

103

# IMPLEMENTATION OF THE HELSINKI ACCORDS

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Y . SE 2: 103-1-7

Implementation of the Helsinki Acco...

## HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED THIRD CONGRESS

FIRST SESSION

PROSPECTS FOR A WAR CRIMES TRIBUNAL FOR THE FORMER  
YUGOSLAVIA

APRIL 21, 1993

Printed for the use of the  
Commission on Security and Cooperation in Europe  
[CSCE 103-1-7]



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## PROSPECTS FOR A WAR CRIMES TRIBUNAL FOR THE FORMER YUGOSLAVIA

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WEDNESDAY, APRIL 21, 1993.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

*Washington, DC.*

The Commission met, pursuant to notice, in room 608, Dirksen Senate Office Building, Washington, DC, at 2:30 p.m., Hon. Dennis DeConcini, Chairman, presiding.

Members present: Senator Dennis DeConcini, Chairman, Representative Steny H. Hoyer, Co-Chairman, Senators Harry Reid, Bob Graham, Barbara A. Mikulski, Charles E. Grassley, and Representative Christopher Smith.

Also present: Representatives Benjamin L. Cardin, Rosa DeLauro, Frank McCloskey, and Louise McIntosh Slaughter.

Staff present: Sam Wise, Staff Director; Jane S. Fisher, Deputy Staff Director; Mary Sue Hafner, Deputy Staff Director and General Counsel; Erika B. Schlager and Robert Hand, Staff Assistants.

Chairman DeCONCINI. The Commission on Security and Cooperation will come to order. This week the world commemorates the 50th anniversary of the Warsaw Ghetto Uprising and the Holocaust itself.

The cries of "Never Again" that followed World War II have been replaced by a sterile debate over the costs of standing up to evil. Lost in the discussion, regrettably, is a clear understanding of what it costs the world community when evil confronts us and we fail to act.

Two years ago then President Bush addressed this question in the context of the Gulf War. He said many things. One of them I want to quote, "Here we will learn that each of us bears responsibility for our actions and for our failure to act. Here we will learn that we must intervene when we see evil arise. Here we will learn about the moral compass by which we navigate our lives and by which countries will navigate the future," end of quote. This is the conviction I believe we must apply to the conflict in the former Yugoslavia today.

I have just returned, along with Commissioner Bill Richardson, from leading a Commission delegation to the region of Macedonia and Kosovo and must report that, on net, the situation continues to deteriorate. Based on my findings there, I would like to mention briefly my conclusions.

First, the situation in Macedonia, now a U.N. member, has improved somewhat since our last visit in November with Congressman McCloskey. We have received reassurance on human rights

problems and even a commitment to seek the formation of a human rights commission to hear complaints within the parliament.

Having taken so many steps in such dire straights, Macedonia is right to expect corresponding measures by the United States, Greece, and other countries. And, particularly, the United States should extend diplomatic recognition to Macedonia and offer assistance in developing democratic institutions.

Second, the situation in Kosovo is at a standoff between the majority Albanians and the Serbian authorities who continue to repress the Albanians. Kosovo must be prevented from exploding into violence and, to this end, our delegation called on the Serbian authorities to restore this province's former political autonomy.

At the same time, the international community should not draw a line just at Kosovo. We should draw the line where there is fighting going on now. The international community should undertake targeted air strikes in Bosnia-Herzegovina to deprive Serbs of supply lines and should lift the arms embargo in order to permit Bosnia to exercise its U.N. charter right of self-defense.

And, fourth, our delegation had nothing but praise for the preventive diplomacy of the CSCE and others, particularly the CSCE mission in Macedonia and Kosovo, Sandzak, and Vojvodina, as well as the UNPROFOR and the sanctions missions in the particular region.

Finally, those guilty of war crimes, the subject of the hearings today, must be brought to justice. In Kosovo, for example, we heard a great deal of Arkan, who heads a paramilitary group responsible for atrocities in Croatia and Bosnia, who terrorizes the population when he is in Kosovo, and who is wanted in Sweden and Netherlands as an international outlaw. In my opinion, he should be arrested immediately and handed over to the international authorities.

In today's hearing, we revisit the ongoing crisis in the Balkans and focus on the critical questions of how war criminals may ultimately be held accountable for the evil they do. I, along with the other Helsinki commissioners, have long argued that this step will be critical in the long-term reconciliation and rehabilitation of these people.

As Theodor Meron, a public member of the U.S. delegation to the CSCE meeting in Copenhagen and an expert on this subject, has noted, "Blame should not rest on an entire nation, but should be assigned to individual perpetrators and responsible leaders."

I would like to welcome our distinguished guests, and we'll introduce them shortly. I now will yield to the Co-Chairman, Congressman Hoyer, who has led the cause in the House to see more aggressive action by this administration towards the problems in Bosnia-Herzegovina.

Congressman Hoyer?

Co-Chairman HOYER. Thank you very much, Mr. Chairman. I appreciate this opportunity and thank you for convening this hearing.

Marek Edelman, the lone survivor of the Warsaw Ghetto Uprising who continues to live in Poland, reflected recently about the war and the final Nazi assault he endured. Perhaps the most chill-

ing and damning of his suggestions is that the same thing is going on today in Bosnia-Herzegovina. A people, brutalized because of their religion, is being slaughtered. Meanwhile, the western democracies they turn to are unable or unwilling to act.

Edelman's remarks took on only greater poignancy in the wake of this weekend's developments, as Bosnian Serb forces stand on the edge of the town of Srebrenica. To make matters worse, Bosnian-Croat forces, taking advantage of the heightened chaos, seemed to have launched their own attacks against the beleaguered Bosnian Muslims.

In the midst of all this, the complete failure of the U.N.-EC brokered negotiations with Bosnian Serbs is all the more stark. On the one hand, the Vance-Owen peace plan would in theory leave Eastern Bosnia, including Srebrenica, under Muslim control.

Bosnian Serb forces continue to be pressured to accept this plan. But by way of a response, Bosnian Serbs and their backers in Belgrade are effectively creating a settlement plan of their own, taking by force those areas that negotiations would put out of their reach.

And the Bosnian Serb military, the strength of which is touted in so many capitals, continues to achieve its victories through tactics perfected in this conflict: cowardly attacks on children, the elderly, pregnant women, and other noncombatants in flagrant violation of longstanding and well-established principles of international law and the most fundamental standards of decency.

U.N. forces on the ground have been able to do little more than oversee the surrender of that city and seek the evacuation of as many of Europe's newest refugees as possible.

One U.N. official involved in relief work in the region harshly stated, but accurately, I think, what these humanitarian efforts have come to. Muslims, he commented, are given a choice between, and I quote, "being transported like cattle or slaughtered like sheep."

This week we commemorate the Holocaust, a situation our country failed to address until countless numbers of people had perished. We vowed then, and we will vow today and tomorrow as we note the Holocaust, that such atrocities must never again occur. Never again would we permit another holocaust. How hollow, how hollow, that must sound to those under attack in Bosnia-Herzegovina.

It may be called ethnic cleansing, but it is a crime against humanity by whatever name. And today there can be no question or excuse of international ignorance. We must not and cannot allow this to continue.

Today's hearing, as we all know, will focus on the prospects for holding the perpetrators individually and personally accountable for their actions.

I would also like to note that U.S. Ambassador to the United Nations, Madeline Albright, will be convening a meeting of experts to examine this question further this next week. I commend her initiative and look forward to her views that we will hear today.

I welcome our expert witnesses. They are outstanding leaders in many areas. And we will be advantaged by their testimony today.

We have had a number of hearings on this conflict. Most of those hearings deal specifically with the issues raised by the Yugoslav breakup and by its resultant wars. This hearing really, in my opinion, deals with the heart of the new world order.

If, in fact, we are to have a new world order, it will be because we have a world in which international criminal conduct is held to account, a world in which there is an international agreement that atrocities will not be tolerated on an international scale. We are clearly not there yet. And these efforts are just beginning, and we will have a lot to learn.

Ambassador Abram, of course, has personal experience and expertise arising out of the most famous war crimes trials, those in Nuremberg, in which he was a very important part. That, of course, occurred after a total defeat of an enemy that could then be called to account by force.

It remains to be seen whether the international community, short of a world conflagration or the defeat of an adversary, is prepared to cooperatively take a stance to call to account individuals within a nation.

We have, in the case of Libya, rendered Libya an international pariah, properly so. It neither respects nor complies with international law. It is my belief that Serbia falls into the same category, that Milosevic respects no law, no moral principle, but only the rule of force.

We acknowledge and know full well that there are crimes being committed on all sides of this confrontation by Muslims, by Croats, Bosnians, as well as Bosnian Serbs, but the fact of the matter is the international community apparently, and I think correctly, has adopted the premise that it is only one state that has adopted as a course of action an official policy to effect such criminal behavior. And that is Serbia.

I look forward to hearing what all of you have to say as we move towards what I think is critical if we're going to have a new world order. And that is a system of accountability.

Thank you, Mr. Chairman.

Chairman DECONCINI. Thank you, Chairman Hoyer.

I'm going to ask the members if they would keep their opening statements brief. I did not set the example, nor did my friend here, but we will ask the members to keep their opening statements to two minutes so we can get to witnesses here.

Congressman McCloskey, who is with us today, has traveled to the area more than any single member of Congress and has been outspoken in the press, pushing the past administration as well as this current administration to take more decisive steps.

Congressman?

Mr. McCLOSKEY. Thank you. Thank you very much, Senator. I might say that even as this week is underway and leads us to a very imminent and critical point within the next several days, I continue to be inspired by Mr. Hoyer's leadership and your leadership in providing the best policy options as to how to reconcile this horrible tragedy.

What Serb forces in Bosnia are doing is genocide as defined by the U.N. Genocide Convention. Western policies based on diplomacy, sanctions, U.N. peacekeeping, and humanitarian relief have

failed to suppress and punish this genocide. They offer no prospects of doing so in the future.

This has been clear for months. Now, finally, we have the sense in the last 3 or 4 days that western governments and publics are facing up to it. Secretary Christopher says that we are at a turning point. President Clinton notes the similarity between the World War II Holocaust and fascist Serb ethnic cleansing in Bosnia. But the U.S. is still equivocating, quite frankly, on whether a genocide is underway and still does not have a strategy to confront a genocidal Serb aggression.

We are at a moment of truth, as Senator Biden said as recently as April 19th. The Holocaust Memorial Museum that opens on the mall April 26th will symbolize either our hypocrisy or our resolve.

The administration's decisions over the next few days will determine whether our country acquiesces to the genocide in Bosnia or moves to confront it with force.

To acquiesce would be an historic travesty in and of itself. It would also serve no purpose except to invite more genocidal Serb aggression, a wider Balkan war, and further erosion of core values, principles, and collective security institutions that are crucial to the future of Europe and America.

To confront this genocidal Serb aggression requires resolve. It requires a victory strategy commensurate with our moral values and security interests. Above all, it requires an honest, unequivocal definition of the problem for the American people.

The Bush administration equivocated on acknowledging and defining genocide. It said that the Serb actions in Bosnia border on genocide. Similarly, the Clinton administration has continued this pattern. It has said that, quote, "Acts tantamount to genocide had taken place in Bosnia."

On April 1, I asked the Secretary of State to make a clear, unequivocal statement or determination as to whether the campaign of Serb forces in Bosnia constituted genocide in the U.N. convention. He promised to do so. So far neither the Secretary nor the State Department has answered or fulfilled this mission.

President Clinton can and must lift western policy from the equivocation and defeatism of the past two years. I urge him to recognize and underscore the genocidal nature of the Milosevic regime and its aggression, to observe real U.S. leadership, to secure an arms embargo from Bosnia, and to use NATO air power, as evidenced in the Hoyer-DeConcini resolutions.

I thank you, Mr. Chairman.

Chairman DECONCINI. Thank you, Congressman.

Congressman CARDIN from Maryland?

Mr. CARDIN. Thank you, Mr. Chairman. Let me first thank you and Congressman Hoyer for your leadership in this area and for calling this hearing today. As you pointed out, the timing of this hearing is very noteworthy. We are commemorating the day of remembrance this week, remembering the Holocaust.

Tomorrow we will be dedicating the U.S. Holocaust Memorial Museum. We also commemorate the 50th anniversary of the Warsaw Uprising, which recalls the brave Jewish resistance and also marks the effective end of the Jewish community in Poland, which had been strong before the Nazi takeover.

At the U.S. Holocaust Memorial Museum, there are two parts of the permanent exhibit that I think should be mentioned. One deals with the silence of the world, too much silence in the world during the Holocaust. It is very troubling to many of us as we go through that section of the museum that we need to be reminded that we cannot be silent again.

Another section of the museum is devoted to the trials that took place after the war, and it points out the importance of holding people accountable for their atrocities.

So I thank you, Mr. Chairman, for holding this hearing and bringing together experts in the area so that we can truly learn from history so that we do not repeat the mistakes that we made.

Chairman DECONCINI. Thank you, Congressman.

Congresswoman Slaughter of New York?

**TESTIMONY OF HON. LOUISE M. SLAUGHTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK**

Ms. SLAUGHTER. Thank you, Senator. I thank you and Congressman Hoyer for your diligence in bringing this hearing about at a time when we really need to make a strong position in the world about what kind of people we are.

Two short days ago in Waco, TX, we saw a building burn to the ground, and we were horrified. We knew that there were 17 innocent, defenseless young children inside. And we shook our heads in shock and disbelief.

The pictures that are coming out of former Yugoslavia this week are just as horrifying as those coming out of the raging inferno in Waco: children bloody and maimed, pregnant women crushed in the rush to evacuate, bodies left in the street because there's no time between the bombings in which to bury the dead, the relentless shouting by 60,000 residents and refugees in the city. There is compelling evidence that they are bombing the Serbs, deliberately targeting places where the children are being sheltered.

As with the tragedy in Waco, we have to be outraged. We are justified to ask for action. It would be immoral for us, indeed, to turn a blind eye to the crimes against humanity which are being committed with impunity in Bosnia every single day.

In Bosnia-Herzegovina, the bodies of innocent women and the bodies of young girls have become the spoils of war, as they have been almost from the beginning of time. For some reason, it is the bodies of women and young girls that seem to make the strongest statement to the people that a country is fighting against.

The Serbs have undertaken a despicable campaign of organized, systematic, strategic, premeditated, and public rape in a grab for power. Violating and humiliating Bosnian women and girls has been an instrument of government policy.

At the end of February, four very brave women came before this Commission and told about the rape of 65,000 of our sisters in Bosnia. Two of the women were victims themselves, one was 8 months pregnant.

She cried as she spoke of the shame of having to run away from her family, of not knowing what to do with this child once it was

born, of how she could never tell anybody, and of how deeply she hoped her family would never learn of her disgrace.

She trembled in my arms as I tried to comfort her, and I assured her that America would not watch in silence as her pain continued, but I felt a deeper sorrow myself because I couldn't guarantee that.

No woman is safe. All of the women alive have reportedly been victimized in a savage way. An estimated 40,000 of these rape victims have been impregnated by the poachers, some no more than little girls. And let me emphasize that these were girls often as young as four. One little girl spoke to doctors from Save the Children and said with blank eyes, "If they come back, I'll take a grenade and blow myself up."

The crime, murder, rape, and torture have left casualties far beyond the body count. They're killing the soul of an entire people.

We haven't seen this kind of destruction or loss of life and human suffering on such a tragically grand scale since World War II. War-torn Yugoslavia has left 1.5 million refugees without a home, without basic human necessities, without safety in the streets that they are forced to wander.

In a boldly worded resolution, the U.N. Human Rights Commission has singled out mass rape by the Serbs in Bosnia as a war crime. I commend my good friend Geraldine Ferraro for having a seat on the Human Rights Commission. I can think of no person in the country who will rest not a bit until she sees some end and some just solution to this awful thing. And I'm delighted, Geraldine, that you are here.

I'm pleased, too, that we have the other members of the panel here today. I remember Ambassador Abram, who has worked in our State of New York, and I met Mr. Buerghenthal just recently when he had come back from El Salvador.

The three of you have a long history of caring very deeply about what happens to this world of ours, and you must be as sad as many of the rest of us are to find that we haven't advanced very much.

Now, the Congress has to add its voice to the international outrage at the crimes being committed in Bosnia. Mr. Hoyer and I have introduced H.R. 1377 to condemn the systematic rape in Bosnia and to authorize humanitarian assistance to the victims of those barbaric acts. I've also cosponsored legislation on convening the war crimes tribunal to try the individual perpetrators of rape, torture, and genocide in Bosnia. But so far those papers haven't helped us much.

I'm anxious to learn from you today how Congress can best assist your efforts to make sure that war criminals are held accountable for their actions before an international body.

I thank the Co-Chairs, Messrs. DeConcini and Hoyer, for their vigilance in monitoring the situation in Bosnia and leading the call for action here in Congress.

I'm grateful to the Helsinki Commission for the support and leadership role that they play, and I know that hearings like this are going to continue to be important to the development of a new policy of the United States.

We must continue to be vigilant, to be outraged and to care. We must do something to say loud and clear that when we say this time "Never again," we will mean it.

Thank you, Mr. Chairman.

Chairman DECONCINI. Thank you, Congresswoman.

Senator Reid of Nevada?

Senator REID. Mr. Chairman, I do have a question off the subject that I would like to ask Ambassador Abram.

I note in your resumé that you—it says a case dealing with one man, one vote. Was that the Baker versus Carr case?

Ambassador ABRAM. No. That's Gray versus Sanders, the county unit case.

Senator REID. That was what?

Ambassador ABRAM. Gray versus Sanders, the county unit case. It was the first case in which the Supreme Court declared that one man, one vote was a constitutional principle.

Senator REID. And that was before Baker versus Carr?

Ambassador ABRAM. No. It followed Baker versus Carr.

Senator REID. Is that right? Thank you.

Chairman DECONCINI. Thank you, Senator Reid.

Congresswoman DeLauro from Connecticut?

#### TESTIMONY OF HON. ROSA L. DELAURO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Ms. DELAURO. Thank you, Mr. Chairman. Thank you very much. I'd like to thank you and Mr. Hoyer and the committee for your vigilance on this issue, for keeping the spotlight on the atrocities in Bosnia, and for bringing before us today some expert witnesses, men and women who are committed to justice and committed to seeing that the human rights violations are stopped in this world.

How we deal with the war crimes that have been committed in former Yugoslavia, in my view, will set precedents for decades to come. What we decide now will have tremendous importance for the prosecution of war crimes perhaps yet to be committed in some future conflict, as well as for those crimes we know to have been committed in Bosnia and Croatia. I personally am anxious to see a tribunal convened.

This week we commemorate the victims of the Holocaust, and we have opened a Washington museum dedicated to their memory. To my mind, it would be really a betrayal of those who died during that terrible chapter in history and a denial of all that we have learned from those who died, not to pursue as aggressively as is humanly possible the prosecution of those responsible for the policy of ethnic cleansing and the actions which carry it out and any other war crimes that are associated with this bloody war.

I look forward to the testimony today, Mr. Chairman. Thank you for allowing me to participate in this hearing.

Chairman DECONCINI. Thank you, Congresswoman.

And now the ranking member on the House side, Congressman Smith from New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman.

Mr. Chairman, the agreement reached upon by the U.N. Security Council to establish an international tribunal on war crimes in

former Yugoslavia is a welcome first step. Now the Secretary-General has a deadline for offering a special proposal with the tribunal infrastructure protected from the legal framework. This hearing is most appropriate considering the various proposals which have been submitted to the Secretary-General for his consideration.

Mr. Chairman, as we all know, the United States continues to document and submit reports to the U.N. Security Council to provide substantiated information about the atrocities perpetrated in the former Yugoslavia. Furthermore, the United States and several other nations have submitted draft statutes about how the tribunal should operate and adjudicate.

I hope that the work of the tribunal will not be delayed much longer. The only true purpose of the tribunal is to provide and keep diplomatic statements so that no one who participates in the unconscionable rape of women or engages in ethnic cleansing of any kind and degrades or abuses human rights will somehow escape condemnation and a just punishment. The tribunal will impose some measure of accountability in that part of the world where systematic violations of human rights are occurring.

Without a doubt, Mr. Chairman, there is no question about the moral imperative for the prosecution of persons responsible for serious violations of international humanitarian law committed in the former Yugoslavia. The mechanism for serving that justice is extremely important, and I hope that this hearing will shed some necessary light on the various proposals.

I do want to welcome our very distinguished panel of witnesses, all of whom I know personally and have worked with in the past. Just recently Mr. Buerghenthal and I worked in regard to the Truth Commission on El Salvador; and Ambassador Abram and I worked together when I was a delegate to the U.N. in the latter part of the 1980's. Welcome also to Ms. Ferraro, my neighbor to the north, whom I respect very much. I look forward to hearing your testimony.

Chairman DECONCINI. Thank you.

Senator Grassley?

Senator GRASSLEY. Mr. Chairman, I have no opening statement.

Chairman DECONCINI. Senator Graham?

Senator GRAHAM. Mr. Chairman, I have no opening statement either, but I wish to welcome our guests with us today and look forward to hearing their commentary.

I think it is not only an important issue in the context of Bosnia, but will be increasingly important as we deal with other circumstances like this, where one power, either internal or external, which feels it has the capacity to impose its will and uses that imposition to deny basic human rights to other citizens, that they will be held accountable.

I look forward to the discussion we will have with applicability to Bosnia.

Chairman DECONCINI. Thank you, Senator.

Senator Mikulski of Maryland?

Senator MIKULSKI. Thank you very much, Mr. Chairman. And I ask the participants to bear with us. These opening statements afford an opportunity to say what is on our minds.

We welcome all of those who will testify today. They are distinguished witnesses who I know will provide us important information and insights.

My comments are not only what I'm about to say, but I think we all feel this way. Both you, Mr. DeConcini, and you, Mr. Hoyer, are holding this hearing on the 50th anniversary of the Warsaw Ghetto Uprising and also on the eve of the opening of the Holocaust Museum.

And consistent with—we've heard the phrase "Never again," but we've heard, "What should we do with lessons learned and to acknowledge that where genocide has happened once, the world cannot respond with apathy or with silence or with benign neglect?"

And, yet, this is exactly where we find ourselves with the tragedy that's unfolding in Bosnia, that there is report after report of the most foolish actions, not only the siege of Sarajevo where people are being slaughtered, but the brutalization of what is happening here is, I think, unbearable to even discuss as civilized people.

I thank my colleagues who are speaking out so forcefully on the issue of rape. Rape was once viewed as a war perk. Now we are hopefully going to deal with it as a war crime.

Rape is not only something that happens when villages are plundered. Rape is now being done in a systematic way to terrorize people. I think that that is both a fact of great repugnance and is also a metaphor for what's happening in Bosnia.

I hope that the world is not going to be silent because I think everyone is growing increasingly ashamed of our tempered response. So I look forward to the testimony.

Chairman DeCONCINI. Thank you, Senator.

I want to just explain to our witnesses I've been on this commission for eight years now. We've never had this kind of turnout before of members so interested in such a subject matter, which is a tribute to each of our witnesses.

I will just take a moment to introduce the witnesses. The first one, I want to recognize a man whose experience with these issues began with the prosecution, as Co-Chairman Hoyer mentioned, at Nuremberg and has continued through his recent service as a U.S. permanent representative to the United Nations in Geneva. I'm especially pleased to welcome Ambassador Morris Abram, who was prepared to testify on this subject last fall, but was prevented because of commission scheduling. Ambassador, we appreciate immensely you being here.

Also we are very pleased that the Honorable Geraldine Ferraro, who served on the U.S. delegation to the U.S. Human Rights Commission this past February, a former member of the House of Representatives and a candidate for vice president. At that particularly meeting in February, she spearheaded a U.S. effort to secure the adoption of a strongly worded resolution condemning the practice of mass rape in the Yugoslavia conflict as a war crime. We thank you for that leadership, Ms. Ferraro.

Finally, we welcome Professor Thomas Buergenthal. We are indebted to Professor Buergenthal for his role in negotiating as a U.S. public member to the CSCE Copenhagen meeting, some of the

most significant standards on democracy which have been adopted by the international community to this date.

He is a distinguished expert in the field of human rights and humanitarian law and recently served on the three-member U.N. Truth Commission mandated to examine human rights abuses in El Salvador. So he brings a unique tech background and breadth of accountability in this particular area.

We'll start with you, Ambassador Abram.

**TESTIMONY OF AMBASSADOR MORRIS B. ABRAM, FORMER U.S. REPRESENTATIVE TO INTERNATIONAL ORGANIZATION, GENEVA**

Ambassador ABRAM. Thank you, Mr. Chairman, Mr. Co-Chairman, and other members of the Commission. I'd like to begin by expressing appreciation that I'm able to testify with such fine colleagues to my left.

I do want to begin by saying the United States, in my judgment, should command enormous respect for the way it conducts itself on these and other issues that we've had to deal with in Geneva in the last four years. It was the United States that summoned the two extraordinary meetings of the Human Rights Commission on Yugoslavia. And this Commission, if I may say so, is a perfect example of U.S. moral leadership. The United States in my judgment, though not perfect, stands very tall in the world as I observe it.

As a young lawyer on Justice Jackson's prosecution staff at the trial of Goering, et al., at the International Military Tribunal, one belief was seared into me. By means of these prosecutions, I believed that we were bringing into being an international principle of deterrence, a cornerstone of any nation's criminal law.

Now 47 years later, I have come to realize that I was a little optimistic or idealistic. Nuremberg has not deterred the atrocities in Cambodia, in Iraq, and now in the former Yugoslavia, as well as many other places. Combined with the horrors of World War II, these atrocities have made this century one of the most devastating to humanity and one of the most disgraceful.

But now, finally, we may at last see a sequence to the Nuremberg and Tokyo trials, perhaps because the crimes and the atrocities committed in Yugoslavia have been committed in the heart of Europe in the presence of television cameras and have, therefore, riveted attention and concentrated a moral revulsion.

Now, in some way, the circumstances of today make criminal justice more difficult, though less controversial, than in 1946 and '48. The execution of any criminal sanction requires the custody of the perpetrator. You've got to get your hand on him or her.

That was easier in 1946, when there had been clear victors in World War II and the terms imposed were unconditional surrender. In Yugoslavia the outcome of the conflict remains uncertain and the negotiations which have been proceeding with United Nations approval necessarily have been with some of the leaders whom the United States Secretary of State, Lawrence Eagleburger, has denounced as criminal suspects, and very properly so. So if the slaughter is to be stopped, short of exhaustion and surrender by some parties, the negotiations must be with the very leaders who may bear primary responsibility for the carnage and the crimes.

Moreover, if the conflict is concluded by agreement, short of some unconditional surrender, there lurks the possibility of some extent and type of amnesty, even for the worst criminals.

Nevertheless, the initiation and use of the judicial process while the struggle is going on does impose a threat on the criminal parties, which could help bring the conflict to an end and help stem the atrocities, at least to the extent of discouraging and restraining those down the chain of command.

Certainly one precedent of Nuremberg should have a deterring effect once it is clear that the trials will be held. That principle is that an individual charged with a crime is not relieved of responsibility by the defense of obedience to a superior order if in the circumstances at the time it was possible for him not to comply with that order. And the higher a defendant is in the chain of command, the less available such a claim would be.

I recall the multiple and often vociferous objections to the Nuremberg trials. "There is no precedent for such a process," it was said. "The victors are trying the vanquished," it was repeated. "The law applied is *ex post facto*," it was said.

The late Senator Robert A. Taft was in the forefront of those who so characterized the Nuremberg proceedings. I did not agree then, but, certainly, those objections could not be reasonably applied against the international proceeding to try those charged with crimes in Yugoslavia, crimes against humanity and even perhaps genocide.

The argument against the Nuremberg trials, that acts are not punishable unless previously defined by law, when stripped of rhetoric, amounted to no more than a claim that there had been in the past no punishment for such heinous acts.

In my opinion, there was preexisting applicable law for most of the acts declared criminal at Nuremberg. The law consisted of treaties against aggressive war, war crimes as defined in the Hague Conventions and the general principles of law recognized by all nations based in part on the natural law, for it is inconceivable that Hitler, Himmler, Eichmann, or any subaltern did not know that it was an offense against civilization that children and other noncombatants be tortured and exterminated on ethnic grounds.

There was incontestible evidence which I saw in films that children were held by the feet and their head bashed against the wall. And there were mass executions by bullets in the back of the skull, and the gas chambers and crematoria were unmistakable.

Now since 1946, the international community has fashioned explicit bodies of criminal law being daily breached in Yugoslavia. These include conventions as well as international customary and treaty law.

The war crimes which have been attested to by innumerable witnesses and catalogued by the special rapporteur of the Human Rights Commission, Mr. Tadeusz Mazowiecki, who is the former Prime Minister of Poland, are precisely the conduct proscribed by the Geneva Conventions.

These Geneva Conventions, accepted by Yugoslavia and by its successor states, make clear the duties of all belligerents to protect both members of opposing force who are *hors de combat* and civilian populations.

The conventions describe the duty of states to search for and proceed to prosecution of all who may have committed grave breaches of the conventions, including killing, torture, or inhuman treatment, which includes rape, illegal deportation or transport and illegal imprisonment.

Thus, unlike the situation that concerned Senator Taft half a century ago, the relevant crimes have now been clearly identified and defined. Ethnic cleansing is, of course, not listed as a grave breach of the Geneva Conventions since it took its dishonorable place in our vocabulary only last year. It's one of the new inventions. But many of the acts by which ethnic cleansing is done, such as forcible deportation of noncombatants, are themselves grave breaches of the conventions.

At the London Conference in August 1992, all of the parties in this conflict agreed that the negotiated settlement of the problems of the former Yugoslavia must include, quote, "compliance by all persons with their obligations under international humanitarian law and the personal responsibility of those who commit or order grave breaches of the Geneva conventions." They signed onto the law.

The crimes charged at Nuremberg were laid out by the allied powers, then called the United Nations, in a charter agreed in London, but as early as 1943, these nations had established a war crimes commission to gather information concerning war crimes.

Only after the war, when the potential defendants were in custody, did these powers establish the tribunal at Nuremberg, where 22 defendants were tried, and a corresponding tribunal in Tokyo, where 25 were tried. The vast majority of prosecutions of German and Japanese defendants, let it be remembered, occurred in national tribunals.

The United Nations Security Council has already taken the preliminary steps in Yugoslavia, somewhat similar to those the allied powers took prior to the creation of the Nuremberg tribunal.

In August 1992 the Security Council—and this is terribly significant—invoking Chapter VII of the Charter of the United Nations—passed Resolution 771 demanding "that all parties and others concerned with the former Yugoslavia immediately cease and desist from all breaches of international humanitarian law, including those involved in the practice of ethnic cleansing."

The Security Council also requested states and international humanitarian organizations as well as the Secretary-General to colate substantiated information on such violations.

Then in a subsequent resolution, 780, in October 1992 the Security Council requested the Secretary-General to establish an impartial commission of experts to examine and analyze such information.

The Secretary-General has established a five-member commission headed by a distinguished Dutch jurist, Professor Kalshoven. The United States and other countries have in compliance with this resolution submitted reports of criminal allegations. Our country has submitted seven very full and horrifying reports, some of which I will file with you, if I may.

On February the 21 this year, the Security Council, expressing "grave alarm over the continuing reports of widespread violations

of international humanitarian law . . . determined . . . to bring the persons responsible for them to justice," decided by Resolution 808 that an international tribunal should be established for that purpose.

This Security Council action was logical, for otherwise the gathering and the collation of the evidence under Resolutions 771 and 780 would have been an exercise in futility.

So we come to the question: What kind of tribunal would be most credible and effective in dealing with what kind of criminals as are placed in custody during or following the Yugoslavian conflict?

It is often overlooked that the power, the jurisdiction, and the tribunals exist in which to try war criminals in the Geneva Conventions of 1949. That power has existed for almost 40 years, for those Geneva instruments provided that any signators—and all to the relevant states and their neighbors are—can prosecute or require the extradition of any such criminal.

However, it is naive to suggest that the guilty parties in Yugoslavia will be brought to justice before national courts under the terms of the Geneva Convention provisions, which have never been invoked for the 44 years in conflicts as recent as the Gulf War, though the power existed and the tribunal existed.

Thus, the Security Council was right to authorize an ad hoc international tribunal for the trial of those responsible for the horrors in Yugoslavia.

And let us note that this is not to be a permanent international criminal tribunal which by a General Assembly resolution in 1950 has been under study.

Though the General Assembly as late as 1992 gave the International Law Commission a mandate to continue these studies on a permanent tribunal, it may be a very long time before the multiple problems can be worked out.

Moreover, in my judgment, the authorization to study a permanent international criminal court authorized by the General Assembly possesses no authority to establish such a court. There are also serious doubts that the Charter language authorizes the Security Council to create a permanent tribunal with binding authority. So how does the Security Council have authority to establish this tribunal for these cases?

The power of the Security Council to establish an ad hoc tribunal to deal with crimes in Yugoslavia is quite another matter. Within the framework of this Chapter VII authority, the Security Council has passed many resolutions with respect to threats to the peace, breaches to the peace, and acts of aggression in the former Yugoslavia, including the new 808 Resolution authorizing an international tribunal for crimes.

The law to be applied by an ad hoc tribunal is much clearer than at the time of the Nuremberg trials. In addition to the precedents of that and the Tokyo trials, the tribunal would have the specific national penal code of the former Socialist Federal Republic of Yugoslavia which incorporates all of the grave breaches set forth in the Geneva Conventions as well as other crimes defined in other international conventions, including forced conversion to another religion, compelling individuals to engage in prostitution, the use of measures of intimidation and terrorism, collective penalties, un-

lawful internment in a concentration camp, forcible recruitment into the intelligence services or administration of an occupying power, actions aimed at starving the population, and the levying of unlawful or excessive contributions or requisitions. This is all internal law that they themselves have recognized and passed as domestic legislation.

Moreover, Yugoslavia has signed almost all of the international conventions on human rights. In addition to the Geneva Conventions, Yugoslavia is a party to the Genocide Convention and several others, specific to the acts which have been charged daily in the media and from evidence submitted under the Security Council Resolution 771.

It is significant that breakaway states such as Croatia and Bosnia-Herzegovina have declared their adherence to some of these treaties and Serbia-Montenegro demands recognition as the continuation of a former Socialist Federal Republic. These embodiments of treaty law into domestic criminal law certainly dispose of the possible, but in this case absurd, idea that any trial here would be *ex post facto*.

We should bear in mind that the ad hoc criminal tribunal must apply international law. However, the conduct prohibited under the domestic penal code I have just referred to also has an international character, but from treaty, custom, and precedent.

And the International Court of Justice has even held in an advisory opinion of 1951 that, quote, "The principles underlying the Convention against Genocide are principles which are recognized by civilized nations as binding on our states, even without any conventional obligations." Thus, it is clear that there exists binding law criminalizing the conduct in Yugoslavia which has horrified the world.

There are the serious questions which must be resolved in a charter of an ad hoc tribunal: What categories of crimes should be referred to it? Should its jurisdiction cover all or parts of the former Yugoslavia? What time period of criminal conduct should be covered? Should there be a limitation on the level of persons to be tried by such a tribunal? What should be the composition of the court? And what procedures should govern the trial, appeal pardon, or mitigation of sentence?

I have not had the time to give these matters the study they deserve. Therefore, I will only present a few broad personal views: The tribunal's priority must be fair, must be a trial and punishment of the major criminals, those charged with the more serious war crimes, committed on a mass and systematic scale. There should be a particular focus on crimes against humanity in which identifiable ethnic groups are targeted.

The Nuremberg precedent of treating as a separate offense "the formulation or execution of a common plan or conspiracy to commit any of the crimes" might be followed. Subordinate-level criminals should not escape punishment.

Perhaps such trials, as could not be handled by the ad hoc tribunal, could be encouraged under the relevant provisions of the Geneva Conventions or, if stable representative governments are established in former Yugoslavia, these could try the lower-level perpetrators of heinous offenses.

The trials should cover like offenses wherever committed in the former Yugoslavia and since the tribunal's authority is based on Chapter VII, the time period embraced in the charges has to be limited to the period before peace is restored.

Due process, of course, is essential in any trial, especially in those of an international nature under the eyes of the world, lest grave wrong be done to the defendants and grave damage to the international system.

There were, as I have said, serious critics of the Nuremberg trials as to the matter of law applied, but there were few critics of the procedure. The defendants had splendid counsel, faced their accusers and were heard and convicted on overwhelming evidence.

That precedent and the body of law developed there and later provide some hope, amidst the horrors of the 1990's, that mankind can find some reason to believe in progress towards the development of international legal standards.

The effective operation of the war crimes commission and the tribunal and the necessary prosecution staff will require substantial resources. I recall that the American prosecution staff at Nuremberg numbered hundreds, I believe 1,170. And then there were also the French staff, the British staff, and the Soviet staff.

Congresswoman Slaughter asked "What can Congress do?" Congress should make every conceivable effort to be sure that the operations preceding the trial and during the trials should be amply funded by the United Nations and amply staffed.

Let us hope that faith in justice will be justified by the implementation of law in cases so clear and so revolting as those we have witnessed here. These deeds simply must not go unpunished.

And if those who inflicted these atrocities are indeed required to pay the price, then we may well come out of this tragedy with a sprout of hope that deterrence may be an effective restraint on man's capacity to be inhuman.

I come from a town in Georgia of 6,000 people, good people, but if we didn't have the police force of four and two sheriffs and a criminal court, it might not be such a good place to live. And I dare say that would be true of Washington, DC, and New York City as well. Without an effective criminal sanction, men often act in an inhuman way.

Thank you.

Chairman DECONCINI. Ambassador, thank you very much for that thoughtful statement and the history that you have provided the committee. It is very helpful.

Ms. Ferraro?

#### TESTIMONY OF HON. GERALDINE A. FERRARO, A FORMER REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. FERRARO. Thank you very much, Mr. Chairman, Mr. Co-Chairman. I appreciate the opportunity to appear before the Commission today to discuss the situation in former Yugoslavia. And I will not take it personally when I see my former colleagues get up to answer the vote.

Though I have views on how the war crimes tribunal in general should be set up, I will leave to my colleagues on the panel the opportunity to present that aspect of our discussion.

Instead, what I want to do is to focus on the war crime that was not dealt with sufficiently at Nuremberg and which I and many women throughout the world are dedicated to making an issue of when peace is returned to the former Yugoslavia, if not before. That war crime is rape.

As Senator Mikulski mentioned, rape as a part of war is nothing new. Susan Brownmiller in her book "Against Our Will" tells us that rape has accompanied wars of religion, that knights and pilgrims took time off for sexual assault as they marched toward Constantinople in the first crusade, that rape has accompanied war of revolution, George Washington's papers for July 22, 1780, recorded that a soldier was sentenced to death for rape at Paramus; that rape was a weapon of terror as the Hun marched through Belgium in World War I, that rape was a weapon of revenge as the Russian army marched to Berlin in World War II.

Millennia before the rape of the Sabine women, warring tribes fought to secure women as they fought to secure food and territory. Even among so civilized a culture as the ancient Greeks, rape was considered within the acceptable rules of warfare. Women, like fields or homes, were legitimate booty.

Such atrocities have continued throughout the centuries to modern days. Mass rapes took place in Nanking in 1937. In Bangladesh, Pakistani soldiers reportedly raped 200,000 Bengali women in that 9-month conflict in 1971. Even our own troops were guilty of rape in connection with the My Lai massacre in 1973 in Vietnam.

Yet, at some point in humankind's progress, we reached a new level on our march to civilization. We saw rape for the brutality it is, a criminal act outside the legitimate province of a proper warrior. Why then does it continue today?

I suggest that it continues because there is little punishment for this inhumane behavior. The situation in the former Yugoslavia gives the civilized world an opportunity to change that.

When I first started reading news reports of the systematic rape of Muslim women and children in Bosnia-Herzegovina, I was brought back almost 20 years to the mid 1970's when, before getting into the business of politics, I worked as an assistant D.A. in New York City handling sex abuse cases.

Victim after victim whom I had helped get through our criminal justice system came to mind: the 6-year-old girl who was so savagely raped that she required 2 weeks in the hospital for vaginal repair; the girl in her parochial school uniform whose family had to be restrained in court from attacking the defendant; the young woman who was in such a state of shock, even a week later, that she couldn't look at me during our interview and found difficulty relating the facts; the 80-year-old woman who would not leave her home to come to our office because she was so ashamed to face her neighbors. But as difficult as it was for those victims, this situation in the former Yugoslavia is far worse.

In his report, to which Ambassador Abram referred, Mr. Mazowiecki, the special rapporteur appointed by the Human

Rights Commission, said that in Bosnia-Herzegovina, rape is not simply a feature of war, but is being used as a weapon of war.

That sordid fact, the sheer numbers, and the horrific details of each of the cases, combine to put this situation in a class all of its own. But there are other distinctions.

My victims in Queens were picked randomly. These victims in Bosnia-Herzegovina are being violated systematically because of their religion.

The victims in Queens had been assaulted once by an assailant. As in Berlin, as in Nanking, as in Bangladesh, as in Vietnam, these victims have been dragged out of homes, held prisoner, and raped repeatedly over weeks and months. Untold numbers have been gang raped.

My victims received immediate medical attention. These victims have not.

And let me read for you from traffic that came across my desk in Geneva, "C.C. is a married 25-year-old Bosnian Muslim from the Village of Dabovci. On August 13 Serbian forces came and occupied the village. Women and children, as well as the few remaining men who had not gone off to fight, were rounded up and separated into groups. The women were taken toward the house where the Serbian forces had established their headquarters.

"At around 8 to 9 p.m., when it began to get dark, the guards began to pick out women and to take them out of the hall. C.C. cannot remember the exact time when the guards came for her, but two guards eventually walked up to her and told her to leave her child behind and follow them.

"She was taken to an alcove and told to undress. When she refused, she was hit on the back with a gun. When she fell to the floor, the guard whom she assumed to be the leader of the group started to rape her. After this guard left the alcove, the remaining guards kept her there and continued raping her. C.C. does not remember whether it was four or five guards who raped her in the alcove.

"When C.C. returned to the large hall, she joined her mother-in-law who was taking care of her baby. She was bleeding and totally disheveled and very ashamed to be seen in that state by her mother-in-law. She then noticed 15 to 20 women were in the same physical state that she was.

"Sometime later that same night, C.C. was taken to the second floor offices of the factory by a guard. She was told to keep her head down. While doing so, she thinks she counted about 10 pairs of shoes in the circle of men surrounding her.

"She was told to undress. When she refused, she was hit about the face. The raping began. C.C. cannot remember anything after the fifth or sixth man raped her.

"She was eventually allowed to go back to the main hall. She was bleeding badly and very dizzy. She fell down the stairs coming out of the factory offices. She eventually made her way back to her mother-in-law and child. She was not bothered for the rest of the night. However, other women were taken out throughout the night and came back bleeding, barely able to walk.

"C.C.'s group was moved out of Kotor Varos mid afternoon on August 14. They were transported to Vlasic, but at that point were

told to get off and walk to Travnik." I have been told that that is approximately 20 miles.

"C.C.'s group arrived in Travnik between August 14 and 15th. She and some of the other women who had been raped asked to see a doctor so that they could be checked. C.C. was particularly worried because she was still bleeding."

Few of us can imagine facing the horror I have just described. But for many Bosnian women, there is even more. Some victims, we are told, endure forced pregnancies and forced childbearing. And, of course, there is the potential that, unlike the rapists in Queens, these criminals will go unpunished.

I have spoken to hundreds of rape victims and coaxed them to talk about this private violence in a public courtroom. I have held a child in my arms to testify before a grand jury because she could not talk without screaming about what happened when her assailant took her into the bushes.

Let me assure the members of this commission that nothing, nothing will ever remove the horror of the assault from those victims' memories. But the one thing that allowed my victims to get on with their lives was the knowledge that the person who committed the act of violence against them was going to be punished.

This same small relief must be given to the women and children survivors of rape in Bosnia-Herzegovina if they are ever going to be able to overcome the torture, indeed the living death, which has been inflicted on them.

It is indisputable that rape and gender-based violence constitute torture and breach the most basic rights to the physical and mental integrity of the person. As such, these acts clearly constitute prohibited war crimes under each of the Geneva Conventions.

As set forth more fully by the International Human Rights Law Group in their report on rape and gender-based violence in the former Yugoslavia, and I quote, "International law mandates a duty to punish those who are responsible for rape and gender-based violence. Rape is explicitly prohibited in the Geneva Conventions of 1949 and the two protocols thereto and all parties to the conflict in the former Yugoslavia have agreed to be bound by these instruments," as Ambassador Abram very clearly pointed out.

The report further states, "Rapes committed on a mass scale as a tool of 'ethnic cleansing' also constitute crimes against humanity as defined under customary international law. That law, applied at Nuremberg and subsequently affirmed by the United Nations, requires punishment of those who are responsible for the crimes. To the extent that rapes have been committed as part of a campaign 'to destroy, in whole or in part,' a national religious or ethnic group 'as such,' they also constitute genocide."

We, both as human beings and as members of the international community, have a moral and legal imperative to ensure that rape and other gender-based violence be prosecuted to the fullest extent of international law.

To ensure successful prosecutions, certain measures must be taken. First, statements of the victims must be taken, and evidence must be preserved *now*. Victims, especially rape victims, are less willing to talk about an attack as time passes. Isolation and shame

are the most common psychological consequences of rape. I would expect that to be particularly so in a Muslim culture.

To deal with this problem, I support the recommendation of the Albert Schweitzer Institute for the Humanities which recommends that female professionals be assigned to the war crimes commission staff to work in Zagreb, Belgrade, and Sarajevo or any of the other republic capitals to ensure that legal procedures are sensitive to the psychological needs of women victimized by rape.

Second, the confidentiality and privacy interests of survivors of rape and gender-based violence must at all times be respected, protected, and given paramount importance, whether in evidence-gathering or in ultimate prosecutions before the war crimes tribunal.

A confidentiality protocol should be implemented which would enable rape survivors to provide testimony *in camera*, by affidavit under seal, and through use of hearsay witnesses.

Third, according to the preliminary report of the International League for Human Rights, information concerning atrocities is and has been widely available within governmental and intergovernmental circles. That information must be collated systematically and quickly coordinated with other organizations and individuals collecting evidence.

Drawing lessons from Nuremberg, a review of the record shows that the Soviet prosecutors benefitted from the best kept records. They had been collecting their data and gathering their depositions throughout the long war. That must be done now in Bosnia-Herzegovina. We cannot afford to wait until a peace accord is signed or until the world wakes up and stops this holocaust.

Fourth, any record that has been made by any organization—that is, news, humanitarian group, or private individual—should be identified and acquired now.

On Monday my local newspaper, Newsday, had a front page story precisely about the issue we are discussing this afternoon. It was written by Roy Gutman, who recently won a Pulitzer prize for his reporting on the situation in Bosnia. I am sure, absolutely sure, that Mr. Gutman would be an invaluable resource for the war crimes commission. And I am sure he would want to help.

I have brought the series of articles that he has written and ask that they be made a part of the record.

Chairman DECONCINI. We welcome them.

Ms. FERRARO. Also while I was in Geneva I saw extraordinary footage on Bosnia on CNN. Two women were asked to view pictures of the camp where they had been held and violated. As they watched, tears started streaming down their cheeks.

The camera panned the outside of the buildings and then went inside to a cafeteria. The faces of the people eating were shown. The faces of the workers were shown. And then the faces of the men, looking on very casually, were shown, and both women reacted with horror.

Those were the men in charge, they said. They were there when the rapes were happening. If, as a prosecutor, I had ever gotten that kind of an identification at a lineup, I would have been absolutely elated.

The reporter then said that the pictures were shown in various regions to women who did not know each other, and the reaction in each case had been the same.

What is so very different about this war is that we are watching it unfold nightly on television. The electronic age has preserved each new day of horror. And what we see on television is only a small part of what is in the possession of the news organizations.

I would hope that they would waive their opposition to releasing out-take film in this particular situation. Last week's verdict in Los Angeles is proof that a video can make or break a prosecution.

Fifth, as the tribunal is structured, attention should be paid to the special needs of rape victims and the special skills that women attorneys can bring to the prosecution process.

There will be plenty of work to go around when the tribunal is set up, for the atrocities are hardly limited to women and children. The material I received in Geneva each morning was replete with stories of male prisoners being decapitated while others were beaten with pipes and their throats slit. Mass executions are commonplace. Most of us saw on television the horrifying images of internees in detention camps suffering from starvation.

But any one who has worked in the field will tell you that women and children who have been sexually violated find it easier to talk to a woman about the assault. I truly believe that using women prosecutors can help make these prosecutions not only more humane, but more effective.

Sixth, if, indeed, a peace accord is finally achieved, no form of amnesty should be adopted for those who have perpetrated these atrocities or for those who have stood idly by and allowed atrocities to occur. There can be no safe haven for war criminals if this world is to be safe for any of us.

That is probably the biggest challenge facing us when we talk about a war crimes tribunal. As Ambassador Abram said, in Nuremberg, it was easy. The victors tried the vanquished. Today, the international community is seeking the cooperation to end the war of the exact same people it hopes to punish.

My testimony today has focused on the atrocities being committed by the Serbs against the Bosnian Muslims. However, I want to mention that the report issued by Dame Warburton, who headed an investigative group from the European Community, and the report of the medical team under the direction of the special rapporteur both pointed out that, though the victims are said to be mainly Muslim, some Serb and Croat women and children have also been violated.

Those men who have sexually abused these latter should also be brought to justice. Rape should not be used as a weapon of war. It should also not be used as a tool of revenge.

If ever there is to be a just and lasting peace in the region, condemnation for violation of international human rights and humanitarian law must be uniform, not partisan. Women's rights are human rights and must be respected as such.

I have spoken of our clear legal authority, but far greater is our moral authority. Tomorrow's generations will judge our response to this tragedy in Europe as we today judge our response to another tragedy in Europe 50 years ago. Let us act to make them proud, to

stand up for our most precious ideas of a shared and compassionate civilization.

I again want to thank you for allowing me this opportunity to appear before you. And I would be pleased to respond to any of your questions.

Chairman DECONCINI. Congresswoman, thank you very much for a very insightful presentation. Having been to Croatia in November of last year where I interviewed some witnesses who had come out of concentration camps within 24 hours, I heard a couple of stories exactly as you have said. But the stories I heard came from the men who were Muslims who had been in the concentration camp and who witnessed women, in some cases even their relatives, being raped by 10 men.

You looked into the person's eyes and you couldn't believe the story. You knew nobody could make it up.

Ms. FERRARO. That's right.

Chairman DECONCINI. And you have witnessed that same thing through your experience there. So I thank you for that testimony. It's very difficult to talk about it and to read about it, but it needs to be said and needs to be on the table in the record, as you so eloquently put it. I thank you very much.

Mr. Buergenthal?

Professor BUERGENTHAL. Thank you very much.

Senator MIKULSKI. Professor Buergenthal, if you could hold just one second?

Chairman DECONCINI. Yes, Senator Mikulski?

Senator MIKULSKI. Mr. Chairman, I have to excuse myself from this hearing. I have an Ethics Committee hearing for which my time and presence are required.

I would like to thank Ambassador Abram and Congresswoman Ferraro and Professor Buergenthal for their testimony. I will continue working with you on this in adopting the recommendation.

Chairman DECONCINI. Thank you, Senator.

Mr. Buergenthal?

#### TESTIMONY OF PROFESSOR THOMAS BUERGENTHAL, THE NATIONAL LAW CENTER, GEORGE WASHINGTON UNIVERSITY

Professor BUERGENTHAL. Thank you very much, Mr. Chairman. I'm grateful to have been invited to appear before your commission and delighted that you are holding these hearings. They're both very important and very timely.

In your invitation, you make reference to the fact that I am a survivor of the Holocaust and to my service on the United Nations Truth Commission for El Salvador. Both of these experiences are not irrelevant to what is happening in the former Yugoslavia.

It is, therefore, not surprising that I am outraged, all humanity should be outraged, by the inaction of the same governments which in the 1930s tried to appease Hitler and which for many months now have done the same with the murderers and the rapists in the former Yugoslavia. Not only have they done nothing, they have repeated over and over again that they would not use force. Have we not learned anything from the Holocaust?

I must say, Mr. Chairman, that listening to you and to your colleagues today, I was very impressed by the reaction to what is happening in the former Yugoslavia. And I feel that if there had been this same reaction in the 1930s here in the U.S. Congress, a lot of the things that happened then could have been prevented.

For that reason, I hope that the outrage that you and your colleagues demonstrated will have an effect on what is happening in the former Yugoslavia and will prevent more harm to innocent victims.

I am also very pleased that this Commission is focusing on various international instrumentalities that might be used to hold those who are committing the terrible outrages in the former Yugoslavia personally responsible for their crimes. I have long ago concluded that unless the international community makes these criminals personally responsible, we're never going to end the cycle of violence that we have witnessed in our life time and that we are witnessing again.

Ever since the United Nations Security Council asked the Secretary-General to prepare a draft charter for a war crimes tribunal for the former Yugoslavia, there has been a growing debate whether the establishment of such a tribunal is wise under the circumstances and whether some other body might not be better suited to deal with the horrendous acts of violence being committed there.

I must say I am struck by the irony, Mr. Chairman, that almost 50 years after Nuremberg, we should still be asking these questions. In a sense, there should have been already in existence long ago an international criminal court to deal with these issues. But, be that as it may, it doesn't exist.

Now, I agree that the biggest obstacle to the tribunal's proper functioning is the great difficulty it will encounter in obtaining the attendance of those accused of crimes, but the purpose of a U.N.-established war crimes tribunal for the former Yugoslavia is not only the immediate trial and punishment of those found guilty of war crimes and crimes against humanity. It also has a very important symbolic purpose.

The very existence of such a tribunal would give notice to the world, to those who have committed atrocities, and to those who may be in a position to prevent them in the future, that the international community is irreversibly committed to bringing the criminals to justice whenever and wherever they are apprehended.

Here I might say I disagree with Ambassador Abram, in that I doubt whether when the war ends, the jurisdiction of the tribunal also ends. I think the jurisdiction of the tribunal, once established to deal with these crimes, would continue until the criminals have been brought to justice.

It is an important message, in my opinion, and it carries with it a very strong moral condemnation to establish such a tribunal whose effect on the former Yugoslavia and other countries should not be underestimated. In some cases, it may also prevent further atrocities or, at the very least, have an impact on the decision-making processes of those responsible for ordering or committing such acts.

Even if no trials or only a few trials were to be held in the foreseeable future,—and most of the alleged intellectual authors of the

crimes will probably not be apprehended right away, unfortunately—this is not sufficient reason for not having the tribunal. But it is important that the tribunal be seen working right away.

That is why I would urge that it be assigned another role which would also have great symbolic importance. I would give the tribunal a special role in the issuance of indictments. What I have in mind is an extensive review by the tribunal of the evidence presented by the prosecutors before indictment is issued. The order issuing the indictment would then be a significant act of international justice.

A similar role is performed in various European countries by so-called investigatory magistrates. A similar proposal appears in the draft that the Italian government has submitted to the United Nations.

I don't believe that it would violate the accused's due process rights for the tribunal to issue such an indictment in his or her absence, particularly if he or she is given notice of the hearing, but it would be important to ensure that the chamber or panel of judges that passed on the sufficiency of the indictment be barred from trying that particular defendant. The hearing on the legality or sufficiency of the indictment should be public.

This approach would preserve the value inherent in the establishment and existence of the tribunal and keep international attention focused on the activities of the tribunal.

The fact that the indictment was issued by the tribunal would enhance its deterrent effect on others without convicting the accused in his or her absence. It might also have an impact on how third countries deal with those under indictment, particularly the indicted leaders, whether they allow them to enter their territory, to leave, and what their attitude might be when it comes to extradition requests.

Permit me now to return to the point I made earlier, namely that the existence of the tribunal does not necessarily exclude resort also to an investigatory body, such as a truth commission modeled on the Salvadoran Truth Commission.

Even assuming that the Security Council were tomorrow to establish the tribunal, I would guess that it would take at least two years to get some trials going, and that may be too optimistic a prediction.

Courts are slow and cumbersome instruments, even under the best of circumstances, and the situation in the former Yugoslavia requires immediate and continuous international attention. In the context of the former Yugoslavia, the more international attention is brought to bear on the atrocities being committed, the better.

It would, therefore, make considerable sense also to establish an international committee with a broad mandate over large-scale systematic acts of violence committed by all sides.

This Commission should be given a relatively short time frame in which to present its report, 4 to 6 months, and it should have broad powers similar to those that were conferred on the Salvadoran Commission.

With your permission, Mr. Chairman, I would like attached to my prepared statement also a copy of the mandate of the U.N. Truth Commission for El Salvador.

Chairman DECONCINI. Thank you, Mr. Buerghenthal. We'll put that in the record.

Professor BUERGENTHAL. It should be made clear, however, that such a commission would face very different problems from those we faced in El Salvador. The most important of these has to do with the fact that there is an ongoing conflict in the former Yugoslavia. This reality would affect the ability of the commission to move around freely in all of the territories subject to its jurisdiction, to interview witnesses, to inspect prisons and prisoner of war camps.

In El Salvador, it proved to be quite easy to find witnesses and to interview those who were accused of various acts of violence. That is not likely to be the case in certain parts of the former Yugoslavia.

None of these problems are insurmountable obstacles to the preparation of a credible report, but they need to be kept in mind in establishing the commission.

Moreover, the Salvadoran Truth Commission was working pursuant to powers conferred under the Salvadoran peace accords, which both sides to the conflict signed and whose compliance was supervised by the United Nations.

It is unlikely that all the parties to the conflict in the former Yugoslavia would sign a similar agreement. But I have no doubt whatsoever that the United Nations Security Council has the power under Chapter VII to establish such a commission, just as it has the power to establish an ad hoc tribunal for the former Yugoslavia.

The foregoing considerations are not compelling enough, in my opinion, to justify dropping the idea of a high-profile international committee to investigate and report large-scale violations of human rights being committed in El Salvador. Here it seems to me comprehensiveness is less important than the truthful reporting of findings by a distinguished group of international personalities.

The world must be told what is happening to human beings in the former Yugoslavia. It must be told the truth by a body whose credibility and legitimacy are beyond reproach. I can think of no more effective way at this time to mobilize public opinion to stop these atrocities.

It must also be kept in mind that some crimes, such as the large number of rapes, are unlikely all to be tried by the tribunal because not all victims will be willing to subject themselves to the pain of reliving their suffering in a public trial. And even if the hearings were to be closed to the public, the sheer numbers will make it impossible to bring all of the accused to trial or even find them. Here a commission could play an important role in reporting what happened and on the magnitude of the crimes.

To summarize, Mr. Chairman, I believe that the United Nations should move forward with the establishment of a war crimes tribunal. To pull back now would send the wrong message. And it should be given special powers to review the prosecutor's request for the issuance of indictments.

The establishment of the tribunal at this time should not prevent the simultaneous creation of a truth commission for the former Yugoslavia. The suffering of those human beings in that area de-

serves every effort by the international community to put a rapid end to them.

Thank you, Mr. Chairman.

Chairman DECONCINI. Thank you.

Yes, Ambassador?

Ambassador ABRAM. Mr. Chairman, for the record, so that there will be no disagreement where there is none—

Professor BUERGENTHAL. Oh, I'm sorry.

Ambassador ABRAM [continuing]. My statement was—and I think you will agree with this—since the tribunal's authority is based upon Chapter VII of the United Nations Charter, the time period embraced in the charges should be limited to the period before the peace is established.

Professor BUERGENTHAL. I withdraw everything I said on that subject. I regret misunderstanding what you had said.

Ms. Ferraro, let me address a question to you. A number of legal experts have commented on the likelihood that many victims of rape in the Yugoslav conflict will be unwilling to come forward to press charges against their tormenters. What can the international community do outside of the context of a war crimes tribunal to try to address the wrongs that these women and children have suffered, address the needs of these victims? What will happen to these people?

Ms. FERRARO. Well, I must say that I listened to Congressman Slaughter talk about the piece of legislation that has been introduced by her and Congressman Hoyer that would allow for humanitarian aid to go over to Yugoslavia to deal with the issue. I think that that is essential.

These women have suffered tremendous psychological problems as well as physical problems. These women have been so savagely raped many of them will never be able to bear a child. A lot of children who have been raped have suffered irreparable damage.

I think we need psychologists and doctors to go over and to help those women, not only to deal with their current situation, but also to deal with the very particular problems that these Muslim women will have in their culture.

We saw in Kuwait after the Gulf War that very many of the women were totally turned away by their husbands. A lot of the foreign women, I understand, Philippine women, were sent back to their countries of origin.

Unfortunately, I think the problem is going to be much larger than we can see now.

Chairman DECONCINI. Thank you.

I've introduced legislation in the Senate that we should appropriate funds and authorize to hire people in our country who could give counseling on rape victims. Do you think that's practical? Can our culture send people there that would communicate and be responsive to the problems that these women have been through?

Ms. FERRARO. I think what we should do is, if we have experts in this country, send them over to teach experts there—

Chairman DECONCINI. To teach the people there.

Ms. FERRARO [continuing]. How to deal with the problems.

Chairman DECONCINI. If I could, I'd like to send the legislation for your comments of what—

Ms. FERRARO. I'd be happy to look at it, Senator.

Chairman DECONCINI [continuing]. Might be added to or subtracted from it.

Ms. FERRARO. Thank you.

Chairman DECONCINI. It seems to me it is one of the things we may be able to do in the interim, while we are waiting for hopefully a war crime trial that ought to include rape.

Ms. FERRARO. Actually, Senator, Linda Fairstern is a rather well-known assistant D.A. in New York County. She is the head of their Sex Crimes Unit.

It was just before I went over to Geneva, so I guess it was sometime in January, that she sat down with a group of women lawyers, who were going over to Bosnia-Herzegovina, telling them precisely what kind of evidence would be needed in the trial. Those women lawyers went over, and they worked with local people, filling them in on how to gather evidence.

As I mentioned in my prepared remarks, we must gather evidence now. We must preserve it now. With rapes especially, once the time has passed, it's going to be much more difficult for these people to re-create the situation.

Chairman DECONCINI. One of the other things you mentioned and I'd just like if you could, each of you, to briefly comment. There's considerable speculation and certainly a lot of precedence that when you reach a peace agreement, if one really comes about, that amnesty and pardons are part of that, extending from the top to the bottom.

And perhaps, Mr. Buergenthal, do you have any views on how you deal with this? When we're not going to be at the peace table, how do we assure that whatever peace agreement is made there, that it doesn't end up with some blanket immunities towards the forcible rapes and the genocide that has occurred there?

I guess the other question is: If they agree to that, are we as an international community bound to accept that?

Professor BUERGENTHAL. Well, I would say, Senator, first of all, that I think we should preempt—

Chairman DECONCINI. Preempt?

Professor BUERGENTHAL. —their doing that by having the United Nations already now go very clearly on record that no amnesty for these international crimes may be granted.

Chairman DECONCINI. Do you think the United States should take such a move?

Professor BUERGENTHAL. I would certainly urge it because if we don't, we're going to find ourselves very much in the same position that we see in various Latin American countries.

Chairman DECONCINI. That's an excellent idea.

Ambassador ABRAM, do you have any thoughts on it?

Ambassador ABRAM. I agree with that, and I also think it's supported by the London agreement to which all of these parties entered.

Chairman DECONCINI. Yes.

Ambassador ABRAM. I quoted it to the effect that the guilty party should be punished. So they have already agreed to it, and I think that—

Chairman DECONCINI. Well, if they haven't, what if an agreement is made where Karadzic and Milosevic and others, commanders and what have you, sign some agreement with the Bosnian-Herzegovinan representatives that the war is going to end and that lines are going to be drawn and that everybody is going to respect each other's rights and, by the way, everybody is granted immunity and pardon from any prosecution from any crimes?

Maybe that isn't going to happen, but I fear that that's going to be a very important bargaining chip if and when we ever get to a peace agreement.

Ambassador ABRAM. I think you are very practical in your observation, and I think that Professor Buerghenthal is correct. I think we ought to take—

Chairman DECONCINI. We ought to move forcibly in the U.N.?

Ambassador ABRAM [continuing]. Steps to see that it will not happen.

Chairman DECONCINI. Yes. That's good.

Ambassador ABRAM. One of the things that I think you have to bear in mind is that we all want the slaughter to end. But maybe the question of justice should take precedence over the ending of this terrible conflict.

I should think from my own point of view—and this is purely personal—that the idea of a war crimes trial growing out of this terrible tragedy is worth more than ending the war two weeks earlier than it might have ended. That's just my own opinion.

Chairman DECONCINI. Congresswoman, do you have a comment on it?

Ms. FERRARO. Well, I have just two comments. One, as I mentioned in my prepared text, I am totally opposed to amnesty.

I do think that when you're dealing in a criminal prosecution, there are going to be some instances where you're going to have to give immunity, especially if you are going to try to prosecute the people who are giving the orders.

And so you might provide some sort of immunity or some sort of what we call in Queens County "plea bargain" for those who are actually the perpetrators of the rape but who have been directed by others in order to get the people in charge. I think that is a reality of prosecution, and I think that will happen.

Second, with reference to amnesty as part of the peace agreement, I would hope that we, as has been suggested, would preempt that problem. But if, indeed, that were to happen, it seems to me that if the war crimes tribunal exists, then it should exist to bring forth what these people have done anyway.

We may not be able to punish them, but we can put them before a world tribunal and let the world see what type of actions they have committed. We may not be able to punish them, but we can draw attention to them.

Chairman DECONCINI. Congresswoman DeLauro?

Ms. DELAURO. Thank you. I apologize for not being present.

Ms. FERRARO. I know about votes.

Ms. DELAURO. In your testimony, you spoke from the heart and in detail of your own experience with rape cases, which often present a difficult problem to prosecute because of the lack of witnesses and because of individuals being reluctant to come forward.

What kinds of special measures do you think that we need to take to collect the information and evidence necessary to help us be successful in prosecuting the people responsible?

Ms. FERRARO. As I said before, I think we have to move quickly to gather the evidence while this is, unfortunately, still fresh in people's minds. If it's not done quickly, people tend to get on with their lives. They don't want to expose whole experiences once more.

I think we also have to train people, as mentioned before to Senator DeConcini, to go into Bosnia and, in their own language, help these women to discuss the evidence, giving them psychological and medical help where necessary. I was pleased that Congressman Slaughter and Congressman Hoyer have initiated legislation to provide humanitarian aid.

And the third thing I think we have to recognize is that these women have suffered in a way perhaps that it's really unfathomable to imagine. I tried a case once, where a judge, when sentencing a burglar, said, "You are guilty of raping that house."

After the judge sentenced him, I saw the judge outside and said, "No way. No way. You cannot associate the violation that you feel when your house is burglarized to the same sort of violation a woman feels when she is raped. You can sell your house. You can walk away from it. You don't have to save whatever is in your house if you don't want to. That is quite different from what happens to a woman. Rape is something she carries with her for the rest of her life."

I think that people who go in to the former Yugoslavia have to know how to deal with these rape victims. They're not all going to have to testify. I should think affidavits or *in camera* testimony will make a difference there.

Finally, I would really like to see is I would like to see women attorneys handling these prosecutions because I think that can make a big difference.

Ms. DELAURO. Were you talking before about training people in Bosnia, people who will help on the ground there?

Ms. FERRARO. To get the evidence.

Ms. DELAURO. What about the nongovernmental agencies that are there now? People are going in and out, as far as I know, various groups. Is it your sense that there's any kind of coordination of activity amongst these groups that could be helpful in terms of collecting the information that's needed to establish the grounds for effective prosecution of war crimes?

Ms. FERRARO. I don't think that's happening now. That's one of the reasons why I suggest some structure be put in place and some mechanism created to get the evidence collected and collated and put together so that it's all in one place.

On one other issue—the issue of adoption—because so many people have talked about forced pregnancies and forced childbearing. The numbers go all over the place. They go from four people who have had babies born as a result of rape to—you've heard 40,000 impregnations, which might result after some abortions in as many as 20,000 babies. That's a lot. But whatever the number is, it's some place between four and something else.

Trying to find out what's going on with this is incredible. Yet, when I was in Geneva alone, I spoke to at least five different groups on the issue.

This has to be coordinated, and it's not going to be coordinated at the Human Rights Commission. It's got to be coordinated as—

Chairman DECONCINI. If the Congresswomen would yield?

Ms. DELAURO. Yes.

Chairman DECONCINI. I'd like to follow up on that, please. We don't have any idea, do we really?

Ms. FERRARO. No.

Chairman DECONCINI. We're really guessing at what it might be as to the births.

Ms. FERRARO. I spoke yesterday to the President of the National Council for Adoption here in the District of Columbia. He told me that there's going to be a hearing next week before the Congressional Coalition on Adoption, of which Senator Simon is a part. He said they will be testifying on the 29th.

I should think you might get some sort of an idea at that time as to what the numbers are.

Chairman DECONCINI. Thank you.

Ms. FERRARO. He's trying to collate the evidence and has a whole group of people coming in. In Geneva, we must have heard from group after group after group coming out of Bosnia-Herzegovina and still have no hard numbers.

Chairman DECONCINI. Thank you, Congresswoman. Go ahead.

Ms. DELAURO. Thank you.

Ambassador Abram, if I might ask you a question, you pointed out that the end of this conflict is not likely to be similar to the end of the Second World War in that one of the parties submits to unconditional surrender. Therefore, perpetrators are not likely to be in the prosecutors' hands quickly. And, in addition, access to the records necessary to completely prosecute the leaders who are responsible for formulating these policies is going to be very, very difficult.

So what kinds of problems do these circumstances hold? And how do we overcome them? How do we deal with them?

Ambassador ABRAM. That's an extraordinarily important point you're making. At Nuremberg I would think that every defendant could have been convicted by paper, paper that had been recovered by the prosecutory staff of the war crimes commission which preceded the trials.

Now, the problem is that the war crimes commission has almost nothing in terms of staff. And if you're serious about this, you're going to have to start collecting that evidence while it's fresh, and you're going to have to have an awful lot of people.

If I may, Mr. Chairman and Madam Congresswoman, suggest, the best thing that I think that could be done by the United States at the present time is—and I don't know your procedures—a sense of a Congress resolution calling for the President and the United States to urge the Secretary-General to provide sufficient resources. And also it will require our pledging sufficient resources.

If this thing is worth doing at all, it's worth doing properly. And it cannot be done properly with meager staffs. And it cannot be done properly unless the work starts now. Take these women to

whom Ms. Ferraro has spoken. You try to get them to identify the people who did this or the people whom they think ordered them to do it, and you start investigations in the field now.

Otherwise, there's not going to be much done. And it's not going to be done at all unless the staffs are sufficient. And the staffs are not going to be sufficient if the Secretary-General doesn't have the resources. And he's not going to have the resources unless the United States pushes for those resources.

Ms. DELAURO. This is a subjective question. You don't have to answer it. Do we have the will with the United Nations at the moment to move toward this kind of apparatus now?

There's been a concern or the debate that this may not be the right move at the moment because what we ought to be doing is looking for some sort of ultimate peace here. I mean, what this requires, as much as anything else, is the political will to get something done.

Ambassador ABRAM. It does, but we've already seen with these resolutions that you supported, that we are supporting, and the Security Council is supporting, a dual track: the former Vance-Owen, now the Stoltenberg-Vance peace offensive and also the prosecution efforts.

Now, the peace offensive has had considerable resources, but the prosecution efforts haven't. And I don't see any reason why we cannot pursue both at the same time, but it will not happen unless the United States gets behind it.

We're frequently said to be a country that is always pushing. But unless we push the United Nations, unless we have the spine, the United Nations doesn't work so well.

Ms. DELAURO. Thank you, Mr. Abram.

Mr. Buerghenthal, it's nice to see you again, and I thank you. Thank you for all of your work on the Truth Commission.

Professor BUERGENTHAL. May I, Congresswoman, on a question which you asked, make one comment?

Ms. DELAURO. Yes.

Professor BUERGENTHAL. You asked: What can we do in the United States, particularly with regard to the women who are victims of rape? I really think it misses the point a little bit if we don't take into account the tremendous effect on all victims that international solidarity and empathy has.

It is critical therefore that some of these women be brought out, that they be brought out to various countries, that institutes be set up, as has been done in some cases with regard to torture victims, to help them deal with their pain. They need professional help; they need help to get back their human dignity.

And that can only be done, really, if they are also removed from the environment in which these acts were committed. And we should help set up such institutes in various countries.

This is not something that can be done, in my opinion, by sending people over to the former Yugoslavia. It does help, but it has to be a much grander effort because this is a problem of a magnitude that the world has not faced before. It is most important, however, for these nations to know that the world is with them. To me, that would be the most critical thing that needs to be done.

Ms. DELAURO. Let me ask you, Mr. Buergenthal. You have suggested that a war crimes tribunal and a truth commission are not mutually exclusive and that the idea of a commission keeping the atrocity before the public eye while a tribunal is being set up will lay some groundwork and will be compelling.

Because of the different standards of evidence these two bodies might have—and I'm not an attorney, so I defer on that issue—but there could be different standards of evidence. Would that likely be considered prejudicial in the longer term if some of this information were coming out right away on the way the tribunal—again, as I say, I'm not an attorney. So I'm looking for your thoughts on that.

Professor BUERGENTHAL. Well, it is certainly a problem one needs to keep in mind, but I think you also need to keep in mind that it will be physically impossible in the years that lie ahead to bring all of the people who have committed these atrocities in an international court. If we get some of the leaders and a few others, we will do well.

Really, when we look at Nuremberg, we were dealing with some 20 people and some more in subsequent trials. So you had a maximum of 40-50 people. Well, here we're dealing with masses of criminals. I think, therefore, that we have to be very clear in our minds what the function of the tribunal is going to be, on the one hand, and then the function of a high-visibility commission on the other.

It is not necessary that the Commission name names or focus on individuals, which would raise due process issues. Instead, the Commission should describe in a highly credible way what happened, where the crimes were committed, and which side or group was responsible.

So I don't see the problem, but I think one needs to be aware of the due process aspects.

Ms. DELAURO. Thank you very, very much.

Ms. FERRARO. Could I just say one thing about the logistical side of the tribunal itself? There are obviously tens of thousands of people who are involved in the rapes of these women.

It seems obvious that they're not all going to be tried in a war crimes tribunal. But the fact that they could be, does not mean that they should not be tried in a national tribunal. There are national courts to deal with these crimes. I think you're already seeing that done.

These people, the ones who raped C.C. as I discussed in my testimony, they should be tried in a regular criminal court in the country whenever the government is set up. That, possibly during the course of peace negotiations, could be part of a deal where there is sufficient evidence to bring forth an indictment, which is only a charge, but sufficient evidence to bring forth an indictment that says there's reasonable ground to believe this person has committed a crime, that that person will be tried in a national court by the government that remains in place.

Ms. DELAURO. And that would be part of the negotiation process?

Ms. FERRARO. Yes.

Ms. DELAURO. Thank you very, very much.

Chairman DECONCINI. We're grateful. I'm sorry we kept you more than a half-hour over. As I mentioned before, we have yet to have a turnout of this many members. It is certainly a credit to your expertise. You have been very helpful, and this record is going to be very, very helpful to us as we pursue this effort. Thank you.

[Whereupon, the foregoing matter was concluded at 4:27 p.m.]



**A P P E N D I X**  
**COMMISSION ON**  
**SECURITY AND COOPERATION IN EUROPE**  
237 FORD HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515

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**Statement of Senator Dennis DeConcini**  
Chairman  
*21 April 1993*

This week, the world commemorates the fiftieth anniversary of the Warsaw Ghetto Uprising and the Holocaust itself. The cries of "Never Again" that followed World War II have been replaced by a sterile debate over the costs of standing up to evil. Lost in this discussion, regrettably, is a clear understanding of what it costs the world community when evil confronts us and we fail to act.

Two years ago, then-President Bush addressed this question in the context of the Gulf War. He said, "Here we will learn that each of us bears responsibility for our actions and for our failure to act. Here we will learn that we must intervene when we see evil arise. Here we will learn more about the moral compass by which we navigate our lives and by which countries will navigate the future." This is the conviction I believe we must apply to the conflict in the former Yugoslavia today.

I have just returned, along with Commissioner Bill Richardson, from leading a Commission delegation to this region, to Macedonia and Kosovo, and must report that, on net, the situation continues to deteriorate. Based on my findings there, I would like to mention briefly my conclusions:

- First, the situation in Macedonia, now a UN member, has improved somewhat since my last visit there in November. We received reassurances on human rights problems, and even a commitment to seek the formation of a human rights commission to hear complaints. Having taken so many steps in such dire straights, Macedonia is right to expect corresponding measures by the United States, Greece, and others. In particular, the United States should extend diplomatic recognition to Macedonia and offer assistance in developing democratic institutions.
- Second, the situation in Kosovo is at a stand-off between the majority Albanians and the Serbian authorities who repress them. Kosovo must be prevented from exploding into violence and, to this end, our delegation called on the Serbian authorities to restore this provinces former political autonomy.
- At the same time, the international community should not draw a line just at Kosovo -- we should draw the line where there is fighting now. The international community should undertake targeted air strikes in Bosnia to deprive Serbs of supply lines and should lift the arms embargo in order to permit Bosnia to exercise its UN Charter right to self-defense.

- Fourth, our delegation had nothing but praise for the preventive diplomacy of the CSCE and others, particularly the CSCE missions in Macedonia and in Kosovo, Sandzak, and Vojvodina, as well as the UNPROFOR and Sanctions missions in the region.
- Finally, those guilty of war crimes -- the subject of this hearing -- must be brought to justice. In Kosovo, for example, we heard a great deal of Arkan, who heads a paramilitary group responsible for atrocities in Croatia and Bosnia, who terrorizes the population when he is in Kosovo, and who is wanted in Sweden and the Netherlands. In my opinion, he should be arrested immediately and handed over to the international authorities.

In today's hearing, we revisit the on-going crisis in the Balkans, and focus on the critical question of how war criminals may ultimately be held accountable for the evil they do. I, along with other Helsinki Commissioners, have long argued that this step will be critical in the long-term reconciliation and rehabilitation of these peoples. As Theodor Meron, a public member on the US delegation to the CSCE meeting in Copenhagen and an expert on this subject, has noted, "Blame should not rest on an entire nation, but should be assigned to individual perpetrators and responsible leaders."

I would like to welcome each of our distinguished guests; before hearing from them, I will turn to my colleagues for additional statements.

COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

237 FORD HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515

(202) 225-1901

**Statement of Representative Steny H. Hoyer**  
Co-Chairman  
*21 April 1993*

Marek Edelman, the lone survivor of the Warsaw Ghetto Uprising who continues to live in Poland, reflected recently about the war and the final Nazi assault he endured. Perhaps the most chilling -- and damning -- of his suggestions is that the same thing is going on today, in Bosnia-Herzegovina: a people, brutalized because of their religion, is being slaughtered. Meanwhile, the western democracies they turn to are unable or unwilling to act.

Edelman's remarks took on only greater poignancy in the wake of this weekend's developments, as Bosnian-Serb forces stand on the edge of taking the town of Srebrenica. To make matters worse, Bosnian-Croat forces, taking advantage of the heightened chaos, seemed to have launched their own attacks against the beleaguered Bosnian-Muslims.

In the midst of all this, the complete failure of the UN-EC brokered negotiations with Bosnian-Serbs is all the more stark. On the one hand, the Vance-Owen "peace" plan would, in theory, leave Eastern Bosnia, including Srebrenica, under Muslim control; Bosnian-Serb forces continue to be pressured to accept this plan. But by way of a response, Bosnian-Serbs and their backers in Belgrade are effectively creating a settlement plan of their own, taking by force those areas that negotiations would put out their reach. And the Bosnian-Serb military -- the strength of which is touted in so many capitals -- continues to achieve its victories through tactics perfected in this conflict: cowardly attacks on children, the elderly, pregnant women, and other non-combatants, in flagrant violation of long-standing and well-established principles of international law and the most fundamental standards of decency.

UN forces on the ground have been able to do little more than oversee the surrender of that city and seek the evacuation of as many of Europe's newest refugees as possible. One UN official involved in relief work the region harshly, but accurately, summarized what these humanitarian efforts have come to: Muslims, he commented, are given a choice between being "transported like cattle or slaughtered like sheep."

This week we commemorate the Holocaust, a situation our country failed to address until countless numbers of people had perished. We vowed then that such atrocities must never again occur: *Never Again* would we permit another holocaust. But that is what is taking place in Bosnia-Herzegovina today. It may be called "ethnic cleansing," but it is a crime against humanity all the same. And today, there can be no question or excuse of international ignorance. We must not and cannot allow this to continue.

Today's hearing will focus on the prospects for holding the perpetrators of war crimes personally accountable for their actions. I welcome our expert witnesses here today to address this compelling aspect of the Yugoslav conflict. The cycle of violence we see in this region is already fueled by a popular perception of past wrongs -- some from centuries ago -- not righted. That cycle must be broken. I look forward to your comments on this goal.

**STATEMENT OF REPRESENTATIVE EDWARD J. MARKEY**  
**COMMISSION ON SECURITY AND COOPERATION IN EUROPE**  
*Hearing on Prospects for a War Crimes Tribunal for the Former Yugoslavia*  
 April 21, 1993

The war in the former Yugoslavia continues to be one of the most morally trying episodes of our time. Tireless attempts at diplomatic negotiations have so far proven fruitless. Recently, many who have been advocates of peaceful negotiations and hesitant to support the use of outside military force to end this conflict appear to have come to the conclusion that a sufficient moral imperative exists to justify stronger measures. European Community negotiator Lord Owen, who has long opposed military action against Serbia, is now calling for targeted air strikes against Serbian supply lines. And last week, former British prime minister Margaret Thatcher criticized the United States and the European Community for not fulfilling their responsibilities as world leaders.

If it is now apparent that our moral obligations call us to act strongly to end this war, those same obligations require us to insure that those responsible for crimes against humanity will be prosecuted. Regardless of the outcome of the conflict itself, the need for a war crimes trial has become indisputable. This means that not only the officers who gave the orders and the soldiers who carried out the orders should be prosecuted, but also the political leaders who formulated the policies.

Attempts at peace settlements have been censured by critics for allowing Serbian aggressors to retain some of their territorial gains, therefore rewarding them. But aggressors have not only succeeded in terms of obtaining land. They have also been successful in their goal of ethnic cleansing. To concede to compromise on some land gains is one thing. To concede to genocide is another. To grant political leaders amnesty for crimes against humanity is to grant them victory over something much greater than land. Those responsible for assembling an international tribunal must not allow themselves to be pressured into exempting heads of state from prosecution.

In 1948, the Convention on the Prevention and Punishment of the Crime of Genocide was written. In 1988, the United States, which was one of the treaty's principle authors, ratified it. This treaty defines genocide as committing acts "with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group" which includes but is not limited to such acts as "causing serious bodily or mental harm to members of the group," and "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." The situation in the former Yugoslavia fits this description. As a ratifying nation, the United States is obligated to bring to competent trial all those involved in acts of genocide. By refraining from the application of these international law, the deterrent potential for which it was deliberately intended is deteriorated.

The Commission on Security and Cooperation in Europe, has already compiled a very extensive analysis of the steps and procedures which would have to be pursued in order to achieve a legitimate and accurate war crimes tribunal. France, Italy and United States have also submitted similar proposals to Secretary General Boutros Boutros-Ghali of the United Nations. All these proposals indicate that heads of state should be held accountable for their involvement in crimes against humanity.

The people of Bosnia-Herzegovina have suffered violations of every conceivable right. At the very least, they are deserving of their inherent right to justice. To deny them even this would have consequences far beyond this conflict and exceeding the arena of war.

## STATEMENT

OF

AMBASSADOR MORRIS B. ABRAM

former U.S. Permanent Representative  
to  
International Organization, Geneva

I wish to acknowledge my indebtedness to a Committee of French jurists who have studied some of the issues addressed herein and

Before

THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

April 21, 1993

Good afternoon, Mr. Chairman.

As a young lawyer on Justice Jackson's prosecution staff at the trial of Goering et al. at the International Military Tribunal at Nuremberg, one belief was seared into me. By means of those prosecutions, I believed that we were bringing into being an international principle of deterrence - a cornerstone of any nation's criminal law. Forty-seven years later, I have come to realize that perhaps I was idealistic. Nuremberg has not deterred atrocities in Cambodia, in Iraq and now, in the former Yugoslavia. Combined with the horrors of World War II, these atrocities have made this century one of the most devastating to humanity.

But now finally, we may at last see a sequence to the Nuremberg (and Tokyo) trials, perhaps because the crimes and atrocities committed in Yugoslavia - the heart of Europe - in the presence of television cameras, have riveted attention and concentrated a moral revulsion.

In some way the circumstances of today make criminal justice more difficult though less controversial than in 1946. The execution of any criminal sanction requires the custody of the perpetrator. That was easier in 1946, when there had been clear victors of World War II and the terms imposed were unconditional surrender. In Yugoslavia, the outcome of the conflict remains uncertain and the negotiations which have been proceeding, with United Nations approval, necessarily have been with some leaders whom the United States Secretary of State, Lawrence Eagleberger, has denounced as criminal suspects. So, if the slaughter is to be stopped, short of exhaustion and surrender by some parties, the negotiations must be with the very leaders who may bear primary responsibility for the carnage.

Moreover, if the conflict is composed by agreement, short of unconditional surrender there lurks the possibility of some extent and type of amnesty.

Nevertheless, the initiation and use of the judicial process while the struggle is still going on, imposes a threat on criminal parties which could help bring the conflict to an end and help stem the atrocities, at least to the extent of discouraging and restraining these down the chain of command.

Certainly, one precedent of Nuremberg should have a deterring effect once it is clear that trials will be held. That principle is that an individual charged with a crime is not relieved of responsibility by the defense of obedience to a superior order, if in the circumstances at the time, it was possible for him not to "comply with that order". And the higher a defendant is in the chain of command, the less available such a claim becomes.

I recall the multiple and often vociferous objections to the Nuremberg trials:

- there is no precedent for such a process
- the victors are trying the vanquished
- the law applied is ex post facto

The late Senator A. Taft was in the forefront of those who so characterized the Nuremberg proceedings. I did not agree then but certainly those objections could not be reasonably applied against an international proceeding to try those charged with War Crimes and with Crimes against Humanity and even perhaps Genocide in the Yugoslavia conflict.

The argument against the Nuremberg trials, that acts are not punishable unless previously defined by law (*nullum crimen sine lege*), when stripped of rhetoric, amounted to a claim that there had been in the past no punishment for such heinous acts. In my opinion, there was preexisting applicable law for most of the acts declared criminal at Nuremberg. The law consisted of treaties against aggressive war, war crimes as defined in the Hague Conventions and the general principles of law recognized by all nations based in part on the Natural Law. For it is inconceivable that Hitler, Himmler, Eichmann or any subaltern did not know that it was an offense against civilization, that children and other noncombatants be tortured and exterminated on ethnic grounds. There was incontestible evidence at Nuremberg, that children were held by the feet and head bashed against walls; there were mass executions by bullets to the back of skulls and the gas chambers and crematoria were unmistakable.

Since 1946, the international community has fashioned explicit bodies of criminal law being daily breached in Yugoslavia. These include conventions as well as international customary and treaty law. The war crimes which have been attested to by innumerable witnesses and catalogued by a special Rapporteur of the Human Rights Commission, Mr. Tadeus Mazowiecki (the former Prime Minister of Poland) are precisely the conduct proscribed by the Geneva Conventions.

The Geneva Conventions, accepted by Yugoslavia, and by its successor states make clear the duties of all belligerents to protect both the members of opposing force who are hors de combat and civilian populations. The conventions describe the duty of states to search for and proceed to prosecution of all who may have committed "grave breaches" of the convention including, killing, torture or inhuman treatment (which includes rape), illegal deportation or transport and illegal imprisonment".

Thus, unlike the situation that concerned Senator Taft half century ago, the relevant crimes have been clearly defined. "Ethnic cleansing" is, of course, not listed as a grave breach of the Geneva Convention since it took its dishonorable place in our vocabulary only last year. But many of the acts by which ethnic cleansing is done, such as forcible deportation of noncombatants, are themselves grave breaches of the conventions. At the London Conference in August 1992, all parties agreed that the negotiated settlement of the problems of former Yugoslavia must include "compliance by all persons with their obligations under international humanitarian law ... and the personal responsibility of those who commit or order grave breaches of the Geneva Conventions."

The crimes charged at Nuremberg were laid out by the allied powers, then called the United Nations, in a charter agreed in London on August 8, 1945; but as early as 1943 these nations had established a war crimes commission to gather information concerning war crimes. Only after the war, when the potential defendants were in custody, did these powers establish the International Military Tribunal at Nuremberg where 22 defendants were tried and a corresponding tribunal in Tokyo where 25 were tried. The vast majority of prosecutions of German and Japanese defendants occurred in national tribunals.

The United Nations Security Council has already taken the preliminary steps in the Yugoslavia case somewhat similar to those of the allied powers prior to the creation of the Nuremberg tribunal. On August 13, 1992, the Security Council invoking Chapter VII of the Charter passed resolution 771 demanding "that all parties and others concerned with the former Yugoslavia ... immediately cease and desist from all breaches of international humanitarian law ... including those involved in the practice of 'ethnic cleansing'". The Security Council also requested states

and international humanitarian organizations as well as the Security General to collate substantiated information on such violations. In a subsequent resolution (780) of October 6, 1992, the Security Council requested the Secretary General to establish an impartial Commission of Experts to examine and analyze such information. The Secretary General has established a 5 member Commission headed by a distinguished Dutch jurist, Professor Kelshoven. The United States and other countries have, in compliance with resolution 771, submitted reports of criminal allegations.

On February 21 this year, the Security Council expressing "grave alarm over the continuing reports of widespread violations of International Humanitarian Law ... (and) determined ... to bring the persons responsible for them to justice" decided by Resolution 808 that an International Tribunal should be established for that purpose. This Security Council action was logical for otherwise the gathering and collation of evidence under Resolutions 771 and 780 would have been exercises in futility.

So we come to the question: what kind of Tribunal will be most credible and effective in dealing with what kind of criminals as are placed in custody during or following the Yugoslavian wars?

It is often overlooked that the power, jurisdiction and tribunals exist in which to try war criminals in the Geneva Conventions of 1949. For those Geneva instruments provide that any signators (and the relevant states and their neighbors are) can prosecute or require extradition of any such criminal. However, it is naive to suggest that the guilty parties in Yugoslavia will be brought to justice before national courts under the terms of the Geneva Conventions provisions, which have never been invoked for 44 years in conflicts as recent as the Gulf War.

Thus, the Security Council was right to authorize an ad hoc International Tribunal for the trial of those responsible for the horrors in the former Yugoslavia. And let us note that this is not to be a permanent International Criminal Tribunal which, by a General Assembly resolution, has been under study since 1950. Though the General Assembly as late as 1992 gave the International Law Commission a mandate to continue these studies, it may be a very long time before the multiple problems can be worked through.

Moreover, the authorization to study a permanent International Criminal Court were authorized by the General Assembly which possesses no authority to establish such a Court. There are also serious doubts that the Charter language authorizes the Security Council to create such a permanent tribunal with binding authority.

The power of the Security Council to establish an ad hoc tribunal to deal with crimes in Yugoslavia is quite another matter. Within the framework of its Chapter VII authority, the Security Council

has passed many resolutions "with respect to threat to the peace, breaches to the peace and acts of aggression" in former Yugoslavia, including new 808 authorizing an International Tribunal for Crimes in the former Yugoslavia.

The law to be applied by an ad hoc criminal tribunal is much clearer than in the time of the Nuremberg trials. In addition to the precedents of that and the Tokyo trials, the tribunal would have the specific National Penal Code of the former Socialist Federal Republic of Yugoslavia which incorporates all the grave breaches set forth in the Geneva Conventions as well as other crimes defined in other international conventions including "forced conversion to another religion, compelling an individual to engage in prostitution, the use of measures of intimidation and terrorism, collective penalties, unlawful internment in a concentration camp, forcible recruitment into the intelligence services or administration of the occupying Power, actions aimed at starving the population, and the levying of unlawful or excessive contributions or requisitions ...".

Moreover, Yugoslavia had signed almost all of the International Conventions on Human Rights. In addition to the Geneva Conventions, Yugoslavia is a party to the Genocide Convention and several others, specific to the acts which have been charged daily in the media and from evidence submitted under Security Council resolution 771. It is significant that break away states such as Croatia and Bosnia-Herzegovina have declared their adherence to some of these treaties and Serbia-Montenegro demands recognition as the continuation of a former Socialist Federal Republic of Yugoslavia. These embodiments of treaty law into domestic criminal laws certainly dispose of the possible, but in this case absurd, defense of nullum crimen sene lege.

We should bear in mind that the ad hoc criminal tribunal must apply international law. However, the conduct prohibited under the domestic penal code I have referred to also have an international character, both from treaty, custom and precedent. And the International Court of Justice has even held in an advisory opinion of 1951 that "the principles underlying the convention (against genocide) are principles which are recognized by civilized nations as binding our states even without any conventional obligation". Thus it is clear that there exist binding law criminalizing the conduct in Yugoslavia which has horrified the world.

There are other serious questions which must be resolved in a charter of ad hoc tribunal:

- what categories of crimes should be referred to it?
- should its jurisdiction cover all parts of the former Yugoslavia?

- what time period of criminal conduct should be covered?
- should there be a limitation on the level of person to be tried by such a tribunal?
- what should be the composition of the court?
- and what procedure should govern the trial, appeal, pardon or mitigation of sentence?

I have not had the time to give these issues the study they deserve. Therefore, I shall only present a few broad personal views: The Tribunal's priority must be the trial and punishment of major criminals, those charged with more serious war crimes, committed on a mass and systematic scale. There should be particular focus on Crimes against Humanity in which identifiable ethnic groups are targeted.

The Nuremberg precedent of treating as a separate offense "the formulation or execution of a common plan or conspiracy to commit any of the ... crimes" might be followed. Subordinate level criminals should not escape punishment. Perhaps such trials, as could not be handled by the ad hoc tribunal, could be encouraged under the relevant provisions of Geneva Conventions or if stable, representative governments are established in former Yugoslavia these could try lower level perpetrators of heinous offenses.

The trials should cover like offenses wherever committed in the former Yugoslavia and since the tribunal's authority is based on Chapter VII of the United Nations Charter the time period embraced in the charges should be limited to the period before peace is restored. Due process, of course, is essential in any trial, especially in those of an international nature under the eyes of the world, lest grave wrong be done to the defendants and grave damage to the international system.

There were, as I have said, serious critics of the Nuremberg trials as to the matter of law applied but there were few critics of the procedure. The defendants had splendid counsel, faced their accusers, were heard and convicted by overwhelming evidence. That precedent and the body of law developed there and later ... provide some hope amidst the horrors of the '90s mankind can find some reason to believe in progress towards the development of International legal standards.

The effective operation of the War Crimes Commission and the Tribunal and the necessary prosecution staff will require substantial resources (I recall that the American prosecution staff at Nuremberg numbered hundreds - to say nothing of those on the British, French and Soviet prosecutions).

Let us hope that faith in justice will be justified by the implementation of law in cases so clear and so revolting as those we have witnessed in Yugoslavia. These deeds simply must not go unpunished. And if those who have inflicted these atrocities are indeed required to pay the price, then there may come out of this tragedy a sprout of hope that deterrence may be an effective restraint on man's capacity to be inhuman.

**Submitted by Amb. Morris Abram for the Record**

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## POLICY NOTES - YUGOSLAVIA

File "PGY000" - Nov 10, 1992

This package was prepared by the Office of Policy Guidance (P/G - 202-619-6044). It contains selected documents from previous packages as well as more recent statements. It consolidates essential documents from previous Policy Notes and adds new material. Items not previously reported are flagged with an asterisk. The package contains the following documents:

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2. UNCHR resolution on rapporteur to former Yugoslavia (August 14)
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## REPORTS OF OTHER INTERNATIONAL ORGANIZATIONS

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15. Asst Secretary Niles WorldNet transcript (Oct. 21)
16. U.S. aid to Yugoslav refugees (Nov. 3)

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## DOCUMENT 1

SECURITY COUNCIL CONDEMNS RIGHTS ABUSES IN BOSNIA  
(Text: U.N. Security Council resolution 771) (730)

United Nations -- The U.N. Security Council August 13 condemned the practice of "ethnic cleansing" as a violation of international humanitarian law and demanded that all parties in the former Yugoslavia "immediately cease" such practices.

Unanimously adopting a resolution on the violations of human rights in the Bosnian conflict, the council asked all nations and international humanitarian organizations to collate any substantiated information they have on human rights violations in the former Yugoslavia and to give that data to the United Nations.

The council also demanded that all international humanitarian organizations, in particular the International Committee of the Red Cross (ICRC), be granted immediate, unimpeded and continued access to all camps, prisons, and detention centers.

The council also invoked Chapter VII of the U.N. Charter -- which gives the council the right to use force -- to require that all the military and civilian authorities in the former Yugoslavia comply with the resolution. If they fail to do so, the council said, it "will need to take further measures under the Charter."

Following is the text of the resolution:

(begin text)

The Security Council,

Reaffirming its resolutions 713 (1991) of 25 September 1991, 721 (1991) of 27 November 1991, 724 (1991) of 15 December 1991, 727 (1992) of 8 January 1992, 740 (1992) of 7 February 1992, 743 (1992) of 21 February 1992, 749 (1992) of 7 April 1992, 752 (1992) of 15 May 1992, 757 (1992) of 30 May 1992, 758 (1992) of 8 June 1992, 760 (1992) of 18 June 1992, 761 (1992) of 29 June 1992, 762 (1992) of 30 June 1992, 764 (1992) of 13 July 1992, 769 (1992) of 7 August 1992 and 770 (1992) of 13 August 1992,

Noting the letter dated 10 August 1992 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations (S/24401),

Expressing grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina including reports of mass forcible expulsion and deportation of civilians, imprisonment and abuse of civilians in detention centers, deliberate attacks on non-combatants, hospitals and ambulances, impeding the delivery of food and medical supplies to the civilian population, and wanton devastation and destruction of property,

Recalling the statement of the president of the council of 4 August 1992 (S/24378),

1. Reaffirms that all parties to the conflict are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the conventions are individually responsible in respect of such breaches;
2. Strongly condemns any violations of international humanitarian law, including those involved in the practice of "ethnic cleansing";
3. Demands that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Hercegovina, immediately cease and desist from all breaches of international humanitarian law including from actions such as those described above;
4. Further demands that relevant international humanitarian organizations, and in particular the International Committee of the Red Cross, be granted immediate, unimpeded and continued access to camps, prisons and detention centers within the territory of the former Yugoslavia and calls upon all parties to do all in their power to facilitate such access;
5. Calls upon states and, as appropriate, international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia and to make this information available to the council;
6. Requests the secretary general to collate the information submitted to the council under paragraph 5 and to submit a report to the council summarizing the information and recommending additional measures that might be appropriate in response to the information;
7. Decides, acting under Chapter VII of the Charter of the United Nations, that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Hercegovina, shall comply with the provisions of the present resolution, failing which the council will need to take further measures under the Charter;
8. Decides to remain actively seized of the matter.  
(end text)

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## DOCUMENT 2

U.N. WILL SEND ENVOY TO FORMER YUGOSLAVIA  
(Excerpts: UNCHR resolution) (1430)

Geneva -- The United Nations Commission on Human Rights (UNCHR) decided August 14 to send a special rapporteur to the former Yugoslavia to investigate reports of widespread human rights violations, in particular in Bosnia-Herzegovina.

~~Tadeusz Mazowiecki, the first post-communist~~ Polish Prime Minister, was selected to be the special rapporteur.

In a resolution titled "The Situation of Human Rights in the Territory of the Former Yugoslavia," the commission also expressed alarm at "the continuing reports of widespread, massive and grave violations of human rights," denounced alleged "ethnic cleansing," and called for inspection of detention camps by the International Committee of the Red Cross (ICRC).

Following are excerpts from the resolution:

(begin excerpts)

The Commission on Human Rights,....

Appalled at the continuing reports of widespread, massive and grave violations of human rights perpetrated within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina, including reports of summary and arbitrary executions, enforced disappearances, torture and other cruel, inhuman or degrading treatment, arbitrary arrest and detention, hostage-taking, lack of due process and lack of respect for the rule of law, restrictions on freedom of thought, expression and association, deliberate attacks on non-combatants, hospitals, and ambulances, restrictions on access to food and health care, wanton devastation and destruction of property, and serious violations of human rights in places of detention,

Expressing its particular abhorrence at the concept and practice of 'ethnic cleansing,' in the former Yugoslavia, and especially in Bosnia and Herzegovina, which at a minimum entails deportations and forcible mass removal or expulsion of persons from their homes in flagrant violation of their human rights, and which is aimed at the dislocation or destruction of national, ethnic, racial or religious groups,

Deeply concerned that the conflict in the former Yugoslavia and deliberate violations of human rights have resulted in the creation of more than two and a half million refugees and internally displaced persons and that conditions conducive to their return in safety and dignity have not been achieved,....

Noting the statement by the President of the Security Council on 4 August 1992 concerning reports of the imprisonment and abuse of civilians in camps, prisons, and detention centers within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina, which demands that international organizations, and in particular the International Committee

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of the Red Cross, be granted immediate, unimpeded and continued access to all such places, and which calls on all parties and organizations to make available to the Council any further information they may possess,....

1. Condemns in the strongest terms all violations of human rights within the territory of the former Yugoslavia, and especially in Bosnia and Herzegovina, and calls upon all parties to cease these violations immediately and to take all necessary steps to ensure full respect for human rights and fundamental freedoms and humanitarian law;

2. Condemns absolutely the concept and practice of "ethnic cleansing";

3. Expresses its alarm at all repressive policies and practices directed against members of particular ethnic groups and also calls upon all parties to ensure the protection of the rights of persons belonging to national or ethnic, religious, and linguistic minorities;

4. Calls upon all parties to release immediately all persons arbitrarily arrested or detained;

5. Demands that the International Committee of the Red Cross be granted immediate, unimpeded and continued access to all camps, prisons and other places of detention within the territory of the former Yugoslavia, and that all parties ensure complete safety and freedom of movement for the International Committee of the Red Cross and otherwise facilitate such access;

6. Also demands that all parties in the former Yugoslavia extend full cooperation and protection to the United Nations High Commissioner for Refugees and her staff, and to other international humanitarian organizations and relief workers, in carrying out their efforts to assist refugees and displaced persons in the former Yugoslavia;

7. Calls upon all parties in the former Yugoslavia to cease immediately the human rights violations that have produced refugees and displaced persons and to promote and ensure conditions conducive to their return to their homes in safety and dignity;

8. Affirms the absolute necessity of ensuring access for humanitarian assistance to those in need;

9. Reminds all parties that they are bound to comply with their obligations under international humanitarian law and in particular the Third Geneva Convention relating to the Treatment of Prisoners of War and Fourth Geneva Convention relating to the Protection of Civilian Persons in Time of War, of 12 August 1949 and the Additional Protocols thereto, and that persons who commit or order the commission of grave breaches of the Geneva Conventions or their Additional Protocols are individually responsible in respect of such breaches;

10. Calls on all parties in the former Yugoslavia to fulfill their obligations under the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic and Social Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention Against Torture and Other Cruel, Inhuman and

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Degrading Treatment or Punishment and the International Covenant on the Elimination of All Forms of Racial Discrimination;

11. Affirms that States are to be held accountable for violations of human rights which their agents commit upon the territory of another State;
12. Requests its Chairman to appoint a special rapporteur to investigate first-hand the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina, and to receive relevant, credible information on the human rights situation there from Governments, individuals, intergovernmental and non-governmental organizations, on a continuing basis, and to avail himself or herself of the assistance of existing mechanisms of the Commission on Human Rights;
13. Requests the existing mechanisms of the Commission on Human Rights, in particular the Special Rapporteur on torture, the Special Rapporteur on summary and arbitrary executions, the representative of the Secretary-General on internally displaced persons and the Working Group on Arbitrary Detention, to give urgent attention to the situation in the former Yugoslavia and to provide, on a continuing basis, their full cooperation, assistance and findings to the Special Rapporteur, and to accompany the Special Rapporteur in visiting the former Yugoslavia if he or she should so request;
14. Requests the Special Rapporteur to visit areas of interest in the former Yugoslavia, and particularly Bosnia and Herzegovina, forthwith and to report on an urgent basis to the members of the Commission on Human Rights, providing a preliminary report no later than 28 August 1992 on the situation of human rights in the former Yugoslavia, including his or her recommendations for bringing violations to an end and preventing future violations, and requests the Secretary-General to make the report of the Special Rapporteur available also to the Security Council;
15. Also requests the Special Rapporteur to report his or her findings and recommendations to the members of the Commission on Human Rights periodically thereafter until its next regular session, and to report to the General Assembly at its forty-seventh session, as well as to the Commission on Human Rights at its next regular session, under agenda item 12, and requests the Secretary-General to make the reports of the Special Rapporteur available also to the Security Council;
16. Further requests the Special Rapporteur to gather and compile systematically information on possible violations of human rights in the territory of the former Yugoslavia, including those which may constitute war crimes, and to make this information available to the Secretary-General, and notes that such information could be of possible future use in prosecuting violators of international humanitarian law;
17. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to fulfill his or her mandate;
18. Requests all United Nations bodies and the specialized agencies, and invites Governments and informed intergovernmental and non-governmental organizations to provide the Special Rapporteur, through the Centre for Human Rights, on a continuing basis, with all relevant and accurate

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information in their possession on the situation of human rights in the former Yugoslavia;

19. Demands that all parties in the territory of the former Yugoslavia cooperate fully with the Special Rapporteur in the implementation of the present resolution;

20. Requests the Special Rapporteur to take into account and seek to complement the efforts being undertaken by the Conference on Security and Cooperation in Europe with respect to the crisis in the former Yugoslavia;

21. Decides to remain seized of the issues.

(and excerpts)

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#### DOCUMENT 3

U.N. GENERAL ASSEMBLY OVERWHELMINGLY SUPPORTS BOSNIA (Seeks tougher Security Council action) (920)  
By Judy Aita USIA United Nations Correspondent

United Nations -- The U.N. General Assembly August 25 overwhelmingly adopted a resolution urging the Security Council to consider taking tougher measures to stop the fighting and restore the territorial integrity of the Republic of Bosnia-Herzegovina.

By a vote of 136 to 1 with 5 abstentions (Ghana, Lesotho, Malawi, Namibia, and Russia), the assembly also demanded an immediate cease-fire in Bosnia and the disarming of Yugoslav People's Army and Croatian Army units now in that former Yugoslav republic. Serbia-Montenegro, which occupies the former Yugoslavia seat in the assembly, was the lone vote against the resolution.

General Assembly President Ambassador Samir Shihabi of Saudi Arabia said the vote represented the "position of the international community and international conscience" on the political and humanitarian crisis in the republic.

"I hope the message will reach all those concerned," Shihabi said. "I hope they will know where the international community stands, and where the international conscience stands."

Summoned back into session from a recess at the request of the Organization of the Islamic Conference, the 179-member assembly had its first opportunity to take a stand on the conflict. While its resolutions are not binding, the assembly wanted its vote to provide a moral backing for Bosnia at the start of the international conference on Yugoslavia which begins in London August 26 under the co-chairmanship of U.N. Secretary General Boutros-Ghali and British Prime Minister Major.

During the two-day debate, 50 nations took the podium to speak out against the atrocities being committed in Bosnia and urging an immediate end to the conflict. Some Islamic nations called for military support for the embattled new nation.

Article 12 of the U.N. Charter generally prohibits the assembly from making recommendations to the Security Council on an issue which is the focus of the council's work, as is the case of the former Yugoslav republic. Nevertheless, the assembly adopted a resolution that included a recommendation to the council.

U.S. Ambassador Alexander Watson said that while the resolution exceeded the limits on the assembly, "the urgency of the situation compels (the United States) to support the resolution."

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The four-page resolution, sponsored by 28 nations, urges the Security Council "to consider, on an urgent basis, taking further appropriate measures" to end the fighting and restore the unity and territorial integrity of Bosnia. It also urges all states to support the council's resolutions.

Chapter VII allows for the use of force after other efforts, including economic embargoes, have failed.

The assembly also demanded that all forms of interference from outside Bosnia cease immediately and called upon states not to recognize territory acquired by force. It said that Yugoslav and Croatian army units must either be withdrawn, subjected to the Bosnian government, or disbanded and disarmed with their weapons placed under effective international monitoring.

Discussing the humanitarian aspect of the crisis, the assembly condemned the violations of human rights, particularly "the abhorrent practice of 'ethnic cleansing'" and demanded that the practice end immediately. It affirmed that states are to be held accountable for violations of human rights "which their agents commit."

The resolution also commended the bravery of the U.N. Protection Force and relief agencies working in Bosnia and demanded that the International Committee of the Red Cross be granted immediate and unimpeded access to all prison camps.

Russia was unsuccessful in adding a paragraph to the resolution mentioning that parts of Hercegovina are under the control of the Croatian Army. Russian Ambassador Yuliy Vorontsov then said that his government abstained because the resolution was a "selective approach" to a complicated situation.

Representatives from Yugoslavia, including Foreign Minister Vladislav Jovanovic, said the resolution was unbalanced in blaming the fighting on the Yugoslav National Army. Jovanovic said that both sides engaged in the practice of ethnic cleansing and that Bosnian Serbs also were experiencing deteriorating living conditions -- problems not acknowledged in the resolution.

Ambassador Muhamed Sacirbey of Bosnia criticized nations for not taking more forceful action to stop the carnage. "Unfortunately measures focused on humanitarian aid only deal with the symptoms and not the causes of aggression," he said.

Nevertheless, Sacribey said, the resolution is a step toward building a sound foundation for his country's future. "We support it and encourage its adoption."

Israeli Ambassador Yoram Aridor said the United Nations "cannot chose silence. We dare not choose silence."

The report of "ethnic cleansing sent shudders throughout Israel," he said. "It is as if the world has not learned much from the events of five and six decades ago... The writing is on the wall. Let the United Nations, let the entire world fulfill its duty."

Peter Kung, a representative of the International Committee of the Red Cross, said there is a "total absence of humanity" in Bosnia. He said prisoners are ill-treated, hospitals attacked, and the Red Cross insignia is not respected.

He thanked the Security Council and the U.N. Commission on Human Rights for their efforts to assist the ICRC. "Solidarity is an integral part of our action," Kung said, adding that, nevertheless, "humanitarian assistance can be no substitute for political settlement."

"No one has ever lost a war by complying to and with the basic principles of humanity," Kung said. "On the contrary, history has shown that respect for civil and humane treatment of prisoners often constitute the first step to peace."

(Text: UNGA resolution) (1620)

United Nations -- The U.N. General Assembly August 25 overwhelming adopted a resolution urging the Security Council to consider taking tougher measures under Chapter VII of the U.N. Charter to stop the fighting and restore the territorial integrity of the Republic of Bosnia-Herzegovina.

By a vote of 136 to 1 with 5 abstentions (Ghana, Lesotho, Malawi, Namibia and Russia), the assembly also demanded an immediate cease-fire in Bosnia and the disarming of Yugoslav People's Army and Croatian Army units now in that former Yugoslav republic.

Serbia-Montenegro, which occupies the former Yugoslavia seat in the assembly, was the lone vote against the resolution.

The assembly also demanded that all forms of interference from outside the republic cease immediately and called upon states to not recognize territory acquired by force. It said that Yugoslav and Croatian army units must either be withdrawn, made subject to the Bosnian government, or disbanded and disarmed with their weapons placed under effective international monitoring.

Following is the text of the resolution:

(begin text)

The General Assembly,

Having considered the item entitled "The situation in Bosnia and Hercegovina,"

Reaffirming the purposes and principles of the charter of the United Nations and guided by the need to implement them,

Aware of its responsibility to promote and encourage respect for international legitimacy,

~~Considering that the United Nations, pursuant to the provisions of its charter, has a major role to play in, and responsibility for, the maintenance of international peace and security,~~

Recalling the relevant resolutions of the Security Council, the United Nations Educational, Scientific and Cultural Organization and the Commission on Human Rights, as well as decision 1992/305 of the Economic and Social Council,

Noting that a large number of states have reserved their position regarding the succession of the Socialist Federal Republic of Yugoslavia by the Federal Republic of Yugoslavia (Serbia and Montenegro),

Deploing the grave situation in Bosnia and Hercegovina and the serious deterioration of the living condition of the people there, especially the Moslem and Croat population, arising from the aggression against the territory of the Republic of Bosnia and Hercegovina, which constitutes a threat to international peace and security,

Alarmed by the prospect of further escalation of the fighting in the region,

Expressing grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Hercegovina, including reports of mass forcible expulsion and deportation of civilians, imprisonment and abuse of civilians in detention centers and deliberate attacks on non-combatants, hospitals and ambulances, impeding the delivery of food and medical supplies to the civilian population, as well as wanton devastation and destruction of property,

Strongly condemning the abhorrent practice of "ethnic cleansing," which constitutes a grave and serious violation of international humanitarian law,

Recalling the report of the secretary-general of 12 May 1992, in which he states that "all international observers agree that what is happening is a concerted effort by the Serbs of Bosnia and Hercegovina, with the acquiescence of, and at least some support from the Yugoslav People's Army, to create 'ethnically pure' regions in the context of negotiations on the 'cantonization' of the republic in the Conference of the European Community on Bosnia and Hercegovina,"

Expressing grave concern that, despite the relevant Security Council resolutions, no effective measure has been implemented to stop the

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abhorrent practice of "ethnic cleansing," or to reverse and discourage the policies and proposals that might encourage it,

Appalled at the continuing reports of widespread, massive and grave violations of human rights perpetrated within the territory of the former Yugoslavia and especially in Bosnia and Hercegovina, including reports of summary and arbitrary executions, forced disappearances, torture, rape and other cruel, inhuman or degrading treatment, as well as arbitrary arrest and detention,

Expressing grave concern that, despite repeated demands by the Security Council, the cease-fire agreed upon by all parties has not been respected,

Concerned that other demands in relevant Security Council resolutions, especially resolutions 752 (1992) of 15 May 1992, 757 (1992) of 30 May 1992, 764 (1992) of 13 July 1992, and 770 (1992) and 771 (1992) of 13 August 1992, have not been complied with,

Reaffirming the necessity of respecting the sovereignty, territorial integrity, political independence and national unity of the Republic of Bosnia and Hercegovina, and rejecting any attempt to change the boundaries of that republic,

Reaffirming also the inherent right of the Republic of Bosnia and Hercegovina to individual and collective self-defense in accordance with Article 51 of the charter of the United Nations,

Underlining the imperative need for an urgent peaceful solution to the situation in Bosnia and Hercegovina, in conformity with the charter of the United Nations and the principles of international law, and in particular the principles of respect for sovereignty and territorial integrity of states, non-recognition of the fruits of aggression and non-recognition of acquisition of territory by force, and welcoming in this context the International Conference on the Former Yugoslavia, scheduled to be convened in London on 26 August 1992,

Commending the efforts of the secretary-general, the Security Council, U.N. agencies, including the Office of the United Nations High Commissioner for Refugees and other international and relief organizations, including the Organization of the Islamic Conference, the European Community, the Conference on Security and Cooperation in Europe and the International Committee of the Red Cross,

Commending also the United Nations Protection Force for its continuing action in support of the relief operation in Sarajevo and other parts of Bosnia and Hercegovina,

Deeply concerned about the safety of the personnel of the United Nations Protection Force and expressing sympathy for the losses suffered by them,

1. Demands that all parties to the conflict immediately stop fighting and find a peaceful solution in line with the charter of the United Nations and the principles of international law, and in particular the principles of respect for sovereignty and territorial integrity of states, non-recognition of the fruits of aggression and non-recognition of acquisition of territory by force;

2. Demands also that all forms of interference from outside the Republic of Bosnia and Hercegovina cease immediately;
3. Demands further that those units of the Yugoslav People's Army and elements of the Croatian Army now in Bosnia and Hercegovina must either be withdrawn, or be subject to the authority of the government of Bosnia and Hercegovina, or be disbanded and disarmed with their weapons placed under effective international monitoring, and requests the secretary-general to consider without delay what kind of international assistance could be provided in this connection;
4. Reaffirms its support for the government and people of the Republic of Bosnia and Hercegovina in their just struggle to safeguard their sovereignty, political independence, territorial integrity and unity;
5. Urges the Security Council to consider, on an urgent basis, taking further appropriate measures, as provided in Chapter VII of the charter of the United Nations, to put an end to the fighting and to restore the unity and the territorial integrity of the Republic of Bosnia and Hercegovina;
6. Condemns the violation of the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Hercegovina as well as the massive violations of human rights and international humanitarian law, in particular the abhorrent practice of "ethnic cleansing," and demands that this practice be immediately brought to an end and that further steps be taken, on an urgent basis, to stop the massive and forcible displacement of population from and within the Republic of Bosnia and Hercegovina, as well as all other forms of violation of human rights in the former Yugoslavia;
7. Affirms that states are to be held accountable for violations of human rights which their agents commit upon the territory of another state;
8. Calls upon all states and international organizations not to recognize the consequences of the acquisition of territory by force and of the abhorrent practice of "ethnic cleansing";
9. Demands that the International Committee of the Red Cross be granted immediate, unimpeded and continued access to all camps, prisons and other places of detention within the territory of the former Yugoslavia and that all parties ensure complete safety and freedom of movement for the International Committee and otherwise facilitate such access;
10. Demands also the safe, unconditional and honorable repatriation of the refugees and deportees to their homes in Bosnia and Hercegovina and recognizes their right to receive reparation for their losses;
11. Calls upon organs of the United Nations and all international relief agencies to facilitate the return of the displaced people to their homes in the Republic of Bosnia and Hercegovina, as well as their rehabilitation;
12. Commends the untiring efforts and the bravery of the United Nations Protection Force in securing the relief operation in the Republic of Bosnia and Hercegovina, as well as the efforts of the Office of the United Nations High Commissioner for Refugees and other relief agencies;

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13. Urges all parties and others concerned to take the necessary measures to secure the safety of the United Nations Protection Force and all other U.N. personnel;

14. Urges all states to support the ongoing efforts to be taken in accordance with the relevant Security Council resolutions to facilitate the delivery of humanitarian assistance to all parts of the Republic of Bosnia and Hercegovina;

~~15. Requests the secretary-general to report to the General Assembly at its 47th session on the implementation of the present resolution;~~

16. Decides to remain seized of the matter and to continue its consideration of this item at its 47th session.

(end text)

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## DOCUMENT 4

U.N. CALLS FOR INVESTIGATION IN FORMER YUGOSLAVIA  
(Text: Security Council Resolution 780) (540)

United Nations -- The United Nations Security Council has unanimously passed a resolution calling for creation of "an impartial commission of experts" to study evidence of suspected "grave breaches" of international humanitarian law in the former Yugoslavia.

The council October 6 asked countries and international humanitarian organizations to provide information about violations to the United Nations secretary general within 30 days.

Following is the text of the resolution:

(begin text)

Belgium, France, Morocco, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: resolution 780

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Recalling paragraph 10 of its resolution 764 (1992) of 13 July 1992, in which it reaffirmed that all parties are bound to comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches,

Recalling further its resolution 771 (1992) of 13 August 1992, in which, inter alia, it demanded that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Hercegovina, immediately cease and desist from all breaches of international humanitarian law,

Expressing once again its grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Hercegovina including reports of mass killings and the continuance of the practice of "ethnic cleansing",

1. Reaffirms its call, in paragraph 5 of resolution 771 (1992), upon States and, as appropriate, international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia, and requests States, relevant United Nations bodies, and relevant organizations to make this information available within 30 days of the adoption of this resolution and as appropriate thereafter, and to provide other appropriate assistance to the Commission of Experts referred to in paragraph 2 of this resolution;

2. Requests the Secretary-General to establish as a matter of urgency an impartial Commission of Experts to examine and analyze the information submitted pursuant to resolution 771 (1992) and the present resolution, together with such further information as the Commission of Experts may obtain through its own investigations or efforts of other persons or bodies pursuant to resolution 771 (1992), with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia;

3. Requests the Secretary-General to report to the Council on the establishment of the Commission of Experts;

4. Further requests the Secretary-General to report to the Council on the conclusions of the Commission of Experts and to take account of these conclusions in any recommendations for further appropriate steps called for by resolution 771 (1992);

5. Decides to remain actively seized of the matter.

(end text)

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## DOCUMENT 5

U.N. SECURITY COUNCIL IMPOSES BOSNIA "NO-FLY" ZONE..  
(Text: Security Council Resolution 781) (640)

United Nations -- The U.N. Security Council voted overwhelmingly October 9 to ban military flights over Bosnia-Herzegovina.

Council Resolution 781 creates a "no fly" zone over Bosnia and threatens to "consider urgently further measures" should Serbian planes violate the order.

The resolution calls for members of the U.N. Protection Force (UNPROFOR) in the former Yugoslav republics to monitor compliance by stationing observers at airfields. It also asks other countries to provide "technical monitoring and other capabilities" to help UNPROFOR.

The resolution, sponsored by Austria, Belgium, Britain, France, Morocco, Russia, and the United States, was adopted by a vote of 14 to 0, with China abstaining.

Following is the text of the resolution:

(begin text)

Austria, Belgium, France, Morocco, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America:  
resolution 781

The Security Council,

Reaffirmed its resolution 713 (1991) and all subsequent relevant resolutions,

Determined to ensure the safety of humanitarian flights to Bosnia and Herzegovina,

Noting the readiness of the parties, expressed in the framework of the London Conference, to take appropriate steps in order to ensure the safety of humanitarian flights and their commitment at that Conference to a ban on military flights,

Recalling in this context the Joint Declaration (S/24476) signed in Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular paragraph 7 thereof,

Recalling further the agreement reached on air issues in Geneva on 15 September 1992 among all the parties concerned in the framework of the working group on the London Conference on confidence-building measures (S/24634),

Alarmed at reports that military flights over the territory of Bosnia and Herzegovina are none the less continuing,

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Noting the letter of 4 October 1992, addressed to the President of the Security Council from the President of the Republic of Bosnia and Herzegovina (S/24616),

Considering that the establishment of a ban on military flights in the air space of Bosnia and Herzegovina constitutes an essential element for the safety of the delivery of humanitarian assistance, and a decisive step for the cessation of hostilities in Bosnia and Herzegovina,

Acting pursuant to the provisions of resolution 700 (1992) aimed at ensuring the safety of the delivery of humanitarian assistance in Bosnia and Herzegovina,

1. Decides to establish a ban on military flights in the air space of Bosnia and Herzegovina, this ban not to apply to United Nations Protection Force (UNPROFOR) flights or to other flights in support of United Nations operations, including humanitarian assistance;
2. Requests UNPROFOR to monitor compliance with the ban on military flights, including the placement of observers where necessary at air fields in the territory of the former Yugoslavia;
3. Further requests UNPROFOR to ensure, through an appropriate mechanism for approval and inspection, that the purpose of flights to and from Bosnia and Herzegovina other than those banned by paragraph 1 above is consistent with Security Council resolutions;
4. Requests the Secretary-General to report to the Council on a periodic basis on the implementation of this resolution and to report immediately any evidence of violations;
5. Calls upon States to take nationally or through regional agencies or arrangements all measures necessary to provide assistance to UNPROFOR, based on technical monitoring and other capabilities, for the purposes of paragraph 2 of this resolution;
6. Undertakes to examine without delay all the information brought to its attention concerning the implementation of the ban on military flights in Bosnia and Herzegovina and, in the case of violations, to consider urgently the further measures necessary to enforce this ban;
7. Decides to remain actively seized of the matter.

(end text)

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## DOCUMENT 6

UN SECURITY COUNCIL VOTES TO SEND MORE TROOPS TO BOSNIA  
(Text: Draft resolution)

United Nations -- The Security Council September 14 expanded the U.N. Protection Force (UNPROFOR) in Bosnia-Herzegovina by more than 5,000 soldiers to escort humanitarian convoys throughout the embattled republic.

A council resolution to that effect passed by a vote of 12 to 0. China, India, and Zimbabwe abstained, expressing concern that the terms of the expanded mandate might plunge the U.N. peace-keepers into the fighting.

In adopting the resolution the council accepted the recommendation of U.N. Secretary General Boutros-Ghali to expand the 1,500-man force currently in Bosnia by a factor of four or five to enable the U.N. High Commissioner for Refugees (UNHCR) to deliver about 4,500 metric tons of supplies a week to the civilians caught in the fighting, protect storage centers, and escort International Committee of the Red Cross (ICRC) convoys of detainees being released from detention camps.

U.S. Ambassador Edward Perkins welcomed the action, saying that "in the face of immense difficulties, UNPROFOR has struggled to help the cause of peace in Bosnia. This resolution provides UNPROFOR the tools it needs to further its difficult mission in Bosnia-Herzegovina."

Perkins also supported Boutros-Ghali's recommendation that UNPROFOR monitor heavy weapons in Bosnia, noting that the United States feels "strongly that the council should stand ready to act immediately upon the detailed instructions of the secretary general when he decides that it is time for UNPROFOR to assume this additional responsibility."

The council resolution endorsed in principle a ban on military flights over Bosnia as agreed to at the recent London Conference on the former Yugoslavia. However, the formal imposition of such a ban was delayed while delegations sort out differences over how to enforce such an order.

In his report to the council, the secretary general said the force should "follow normal peace-keeping rules of engagement." U.N. peace-keepers carry light firearms and are authorized to use force only in self-defense. Nevertheless, the secretary general noted that "in this context self-defense is deemed to include situations in which armed persons attempt by force to prevent United Nations troops from carrying out their mandate. These considerations are particularly relevant in the current tense situation in the proposed area of operations."

Britain and France have already offered to send additional troops. The United Nations is in consultation with other governments interested in participating.

The secretary general stressed that his recommendation for the enlargement of UNPROFOR is "based on the assumption that all such resources would be provided at no cost to the United Nations and that the contributing countries or other member states, on a voluntary basis, would cover the additional administrative expenses which would be incurred by the United

Nations."

The new UNPROFOR operation in Bosnia would include the 1,500 military currently operating the Sarajevo airport and infantry battalions in four or five new sectors throughout the republic. Each zone would have its own front-line logistic capacity and civilian support staff, armored reconnaissance companies, armored infantry companies and mine clearance and ordnance disposal units. Boutros-Ghali also asked for a 500-man transport battalion with 100 trucks and an additional 80 military observers.

Since the U.N. opened the Sarajevo airport for humanitarian flights in early June, four UNPROFOR soldiers have been killed and 51 injured. The U.N. force has provided security for more than 1,000 transport planes carrying more than 10,800 metric tons of food and humanitarian supplies.

Following is the text of the September 14 Belgium, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America draft resolution: \_\_\_\_\_

(Begin text)

The Security Council

Reaffirming its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force (UNPROFOR),

Expressing its full support for the Statement of Principles adopted and other agreements reached at the London Conference, including the agreement of the parties to the conflict to collaborate fully in the delivery of humanitarian relief by road throughout Bosnia and Herzegovina,

Having examined the report of the Secretary-General of 10 September 1992 (S/24540),

Noting with appreciation the offers made by a number of States, following the adoption of its resolution 770 (1992) of 13 August 1992, to make available military personnel to facilitate the delivery by relevant United Nations humanitarian organizations and others of humanitarian assistance to Sarajevo and wherever needed in other parts of Bosnia and Herzegovina, such personnel to be made available to the United Nations without cost to the Organization,  
Reaffirming its determination to ensure the protection and security of UNPROFOR and United Nations personnel,

Stressing in this context the importance of air measures, such as the ban on military flights to which all parties to the London Conference committed themselves, whose rapid implementation could, inter alia, reinforce the security of humanitarian activities in Bosnia and Herzegovina,

1. Approves the report of the Secretary-General;

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2. Authorizes, in implementation of paragraph 2 of resolution 770 (1992), the enlargements of UNPROFOR's mandate and strength in Bosnia and Herzegovina recommended by the Secretary-General in that report to perform the functions outlined in the report, including the protection of convoys of released detainees if requested by the International Committee of the Red Cross;

3. Further urges Member States, nationally or through regional agencies or arrangements, to provide the Secretary-General with such financial or other assistance as he deems appropriate to assist in the performance of the functions outlined in his report; .....

4. Decides to remain actively seized of the matter in particular with a view to considering, as required, what further steps might be necessary to ensure UNPROFOR's security and to enable it to fulfill its mandate.

(End text)

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## DOCUMENT 7

DECISIONS BY LONDON CONFERENCE ON YUGOSLAVIA  
(Texts: Selected documents issued by London conference)

## DECLARATION OF THE LONDON CONFERENCE (850)

1. Acting under the principles set out in the relevant conference documents, all parties at the conference formally accept and agree to cooperate in a number of actions.

## Cessation of Violence

2. The overall aim is an effective and durable cessation of hostilities in the whole of the former SFRY (Socialist Federal Republic of Yugoslavia) and in particular in Bosnia-Herzegovina in order to facilitate the negotiation of a lasting political settlement. This requires urgent action including:

- early lifting of the sieges of towns and cities
- international supervision of heavy weapons
- bringing all forces, including irregulars, under central control
- withholding of direct or indirect military assistance to self-proclaimed governments and the internal components of neighboring states
- the progressive reduction of weapons in the region under international supervision.

## 3. Participants agreed confidence-building measures including:

- the notification of all mortars and heavy weapons to the United Nations within 96 hours as a prelude to their disengagement from the conflict, which will be the first item in negotiations
- a ban on military flights
- early setting up of hot lines between local commanders and HQs (headquarters)
- improved contact through liaison visits
- the identification of HQs and commanders of all armed units, including paramilitaries
- the posting of observers on the Bosnian/Serbian and Bosnian/Montenegrin borders
- the deployment of observers in Bosnia to monitor heavy weapons

4. Further confidence-building measures, covering military movements, arms limitation and verification will be urgently examined.

## Humanitarian Issues

5. The co-chairmen have agreed a program of action with the parties to the conflict. This includes:

-- Effective delivery of humanitarian aid

i) Full collaboration in delivery of humanitarian relief by road throughout Bosnia-Herzegovina, with the following specific steps:

-- progressive development of relief missions and road convoys from Croatia and Serbia and Montenegro into all areas of Bosnia where relief is required

-- priority to repairing the road and railway between Flice, Mostar and Sarajevo

-- parties to designate local representatives with whom practical arrangements for relief missions and road convoys can be made

-- acceptance of and arrangements for international monitors.

ii) Parties to exercise authority over undisciplined elements in their areas.

## Refugees

iii) Progressive return of refugees to their homes and response to the needs identified by the United Nations.

## Dismantling detention camps

iv) Unconditional and unilateral release under international supervision of all civilians detained, and the closure without delay of the detention camps.

v) Parties to take responsibility for security and protection of those detained until freed under international supervision.

vi) International community to be given immediate access in order to monitor the situation of those in detention.

vii) Pending release and return home of those detained, urgent action by humanitarian organizations to examine temporary options.

## Safe Areas

viii) Further examination of options including neutral zones for safe areas.

## International Action

6. In order to promote these objectives all governments and international organizations will:

-- Collaborate fully with the Secretary General of the United Nations in providing to him information in implementation of UNSCR 771

-- ensure the compliance by all persons with their obligations under international humanitarian law

-- take all possible legal action to bring to account those responsible for committing or ordering grave breaches of the Geneva Conventions

~~-- draw up a register of verified breaches of international humanitarian law~~

-- set up the monitoring missions called for by the CSCE in the territories of the former SFRY and in neighboring countries

-- not consider help for the reconstruction of the Serbian economy before Serbia has complied with the demands of this conference

-- provide the means for:

a) passage and protection of humanitarian convoys at the request of the United Nations;

b) control and monitoring of heavy weapons in Bosnia- Hercegovian under the auspices of the United Nations.

#### Sanctions

7. The relevant governments have agreed that they will:

-- implement an agreed action plan to ensure the rigorous application of sanctions

-- enforce sanctions on the Danube, consistent with their view that riparian states have the authority and obligation to do so

-- provide practical advice, man-power and equipment to help neighboring countries to enforce sanctions rigorously

-- contribute experts to advise on the application of sanctions in all neighboring countries to take part in the monitoring missions which will be established in the neighboring countries to ensure full implementation of sanctions

-- ask the Security Council to:

a) take necessary measures to tighten up the application of sanctions in the Adriatic;

b) prevent illegal transfers of financial assets to Serbia and Montenegro; and

c) eliminate diversion of goods in transit.

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Conference parties have asked the European Community and the CSCE to coordinate all necessary practical assistance to all neighboring countries.

#### Violations of International Humanitarian Law

8. The co-chairmen have undertaken to carry forward a study of the creation of an international criminal court. NNNN

#### STATEMENT OF PRINCIPLES ON FORMER YUGOSLAVIA (Text: Document issued by London conference) . (57Q)

(The following document was issued August 27 by the London Conference on Yugoslavia.)

The London Conference has endorsed the following principles as the basis for a negotiated Settlement of the problems of former Yugoslavia:

(i) the imperative need that all parties and others concerned should cease fighting and the use of force, should respect agreed ceasefires and restrain those who commit or seek to provoke breaches of them;

(ii) non-recognition of all advantages gained by force or fait accompli or of any legal consequences thereof;

(iii) the need for all parties concerned to engage actively, directly or through intermediaries, in negotiations on the basis of these principles;

(iv) respect for the highest standards of individual rights and fundamental freedoms in a democratic society, as embodied in the International Covenants of the United Nations on Human Rights, the European Convention On Human Rights and its protocols and other instruments of the United Nations, the Conference on Security and Cooperation in Europe and the Council of Europe;

(v) implementation of constitutional guarantees of the human rights and fundamental freedoms of persons belonging to ethnic and national communities and minorities, the promotion of tolerance and the right to self determination in accordance with the commitments entered into under the CSCE and in the EC Conference on Yugoslavia;

(vi) total condemnation of forcible expulsions, illegal detentions and attempts to change the ethnic composition of populations, and effective promotion of the closure of detention camps, and of the safe return to their homes of all persons displaced by the hostilities who wish this;

(vii) compliance by all persons with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and the personal responsibility of those who commit or order grave breaches of the Conventions;

(viii) the fundamental obligation to respect the independence, sovereignty and territorial integrity of all states in the region; and to respect the inviolability of all frontiers in accordance with the U.N. Charter, the CSCE Final Act and the Charter of Paris. Rejection of all efforts to

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acquire territory and change borders by force;

(ix) the requirement that a final settlement of all questions of succession to the former Socialist Federal Republic of Yugoslavia must be reached by consensus or by arbitration and the commitment of all parties to recognize each other mutually, to respect each others' status and rights under any such settlement and to share the duties and responsibilities of successor states;

(x) the obligations on all states and parties concerned to comply in full with all U.N. Security Council Resolutions on the crisis in the former Socialist Federal Republic of Yugoslavia and to do their utmost to secure their implementation;

(xi) the vital need for humanitarian aid to be provided and, under appropriate protection and with the full cooperation of the local authorities, to reach the populations in need, with special consideration for the needs of children;

(xii) the obligation on all persons to cooperate wholeheartedly in the international monitoring, peacekeeping and arms control operations in the territory of the former Socialist Federal Republic of Yugoslavia and to contribute constructively to the suppression of violence throughout the area;

(xiii) the need to provide international guarantees to ensure the full implementation of all agreements reached within the framework of the International Conference. NNNN

#### STATEMENT ON BOSNIA

(Text: Document issued by London conference) (760)

(The following document was issued August 27 by the London Conference on Yugoslavia.)

The participants in the London Conference on the former Socialist Federal Republic of Yugoslavia condemn the continuing violence in Bosnia and Hercegovina and the attempts to gain territory by the use of force. They reject as inhuman and illegal the expulsion of civilian communities from their homes in order to alter the ethnic character of any area. They welcome the adoption by the United Nations Security Council of Resolution 771 and other Security Council Resolutions, and the Resolution of the U.N. Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia. They undertake to collate substantiated information on violations of international humanitarian law and to make this information available to the United Nations. They reaffirm that persons who commit or order the commission of grave breaches of the Geneva Conventions are individually responsible in respect of such breaches.

A political settlement in Bosnia and Hercegovina must include the following provisions:

a) a full and permanent cessation of hostilities and an end of all

violence and repression, including the expulsion of populations;

b) recognition of Bosnia-Herzegovina by all the former Yugoslav Republics;

c) respect for the integrity of present frontiers, unless changed by mutual agreement;

d) implementation of guarantees for the rights of Persons belonging to all national communities and minorities in accordance with the U.N. Charter and CSCE provisions;

e) just and adequate arrangements for people who have been forcibly expelled from their homes including the right to return and compensation for their losses;

f) democratic and legal structures which properly protect the rights of all in Bosnia and Herzegovina, including national communities and minorities;

g) assurances of non-intervention by outside military forces whether formed units or irregulars, except as provided for in relevant U.N. Security Council Resolutions;

h) respect for all international Treaties and Agreements;

i) restoration of trade and other links with neighboring countries.

Further urgent steps are now required to achieve a settlement. The participants in the London Conference urge all parties immediately and without preconditions to resume negotiations on future constitutional arrangements within the framework of the Conference. All parties involved must participate in these negotiations with a genuine will to secure peace and a respect for the interest of the other parties.

The negotiations will also need to cover the following arrangements:

a) a genuine and lasting end to the conflict throughout the Republic, and return of territory taken by force;

b) the cessation of all outside interference, in terms of personnel or material support, in the present conflict;

c) the grouping of heavy weaponry under international control;

d) the demilitarization of major towns and the monitoring of them by international observers;

e) the establishment of refugee and relief centers for those citizens of Bosnia-Herzegovina who have lost or been expelled from their homes, pending their return;

f) the extension of humanitarian relief to all areas of Bosnia-Herzegovina where supplies are needed, with the cooperation of local parties;

g) an international peacekeeping force under U.N. auspices may be created

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by the U.N. Security Council to maintain the ceasefire, control military movements, and undertake other confidence building measures.

As and when parties are ready to reach a settlement on the above basis, the International Community will join with them in a major reconstruction program to cope with humanitarian needs and to restore economic activity.

At a meeting with FCO Minister of State Douglas Hogg, Drs. Karadzic and Koljevic representing the Bosnian Serbs signified their agreement to the following:

(i) That the Bosnian Serb side would notify to the United Nations within 96 hours the positions of all heavy weaponry to be grouped around the four towns of Sarajevo, Bihac, Goradze and Jajce, this grouping to be completed within a period of seven days. The weaponry once grouped would be put under the continuous supervision of permanent U.N. observers. The Bosnian Serb side would expect the Bosnian government to take reciprocal action, but would not impose this as a precondition for their own action, which would be unilateral. The Bosnian Serb side further undertook with immediate affect not to initiate fire from any of this heavy weaponry.

(ii) That the Bosnian Serb side recognized that in negotiations between the three Bosnian parties, they would agree to withdraw from a substantial portion of the territory now under the control of their forces. NNNN

#### SERBIA AND MONTENEGRO

(Text: Document issued by London conference) (380)

(The following document, entitled Serbia and Montenegro: Paper by the Co-Chairmen," was issued August 27 by the London Conference on Yugoslavia.)

We welcome the fact that all participants in the conference have subscribed to the Statement on Bosnia-Hercegovina. All participants must fulfill the obligations to which they have agreed. In particular, Serbia and Montenegro face a clear choice. They have undertaken to:

- cease intervention across their borders with Bosnia and Croatia;
- to the best of their ability restrain the Bosnian Serbs from taking territory by force and expelling the local populations;
- restore in full the civil and constitutional rights of the inhabitants of the Kosovo and Vojvodina and also to ensure the civil rights of the inhabitants of the Sandjak;
- use their influence with the Bosnian Serbs to obtain the closure of their detention camps, to comply with their obligations under international humanitarian law and in particular the Geneva Conventions, and to permit the return of refugees to their homes. The Bosnian Croats and Muslims have given similar undertakings;
- fully observe the relevant resolutions of the U.N. Security Council;
- declare that they fully respect the integrity of present frontiers;

-- guarantee the rights of ethnic and national communities and minorities within the borders of Serbia and Montenegro in accordance with the U.N. Charter, the CSCE and the draft convention of the EC Conference on Yugoslavia;

-- work for the normalization of the situation in Croatia, for implementation of the Vance Plan and for acceptance by the Serbs in the Krajina of special status as foreseen in the draft convention of the EC Conference on Yugoslavia;

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-- respect all relevant international treaties and agreements.

If, as suggested by Mr. Panic's recent letter to the president of the Security Council of the United Nations, Serbia and Montenegro do intend to fulfill these obligations in deed as well as word they will resume a respected position in the international community. They will be enabled to trade, to receive assistance and to enjoy the full cooperation of all members of the international community. If they do not comply the Security Council will be invited to apply stringent sanctions leading to their total international isolation. NNNN

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## DOCUMENT 8

CSCE SETS STEPS TO PREVENT RIGHTS ABUSES IN YUGOSLAVIA  
(Excerpts: Senior Officials' panel statement) (1670)

Prague -- The Conference on Security and Cooperation in Europe (CSCE) says it will "pursue with special vigor" evidence of human rights abuses in the former Yugoslavia, and it has asked its participating nations to "take all necessary measures" to ensure compliance with U.N. sanctions against Serbia and Montenegro.

CSCE's Committee of Senior Officials issued a statement September 18 on decisions taken following the report of a CSCE mission to areas of the former Yugoslavia in early September that found "massive violations of basic human rights."

Expressing its "abhorrence of these practices," the committee said:

- all prisoners in Bosnia-Herzegovina "should be unilaterally released..."
- enforced sales or donations of property there should be declared "null and void."
- it is directing immediate establishment of "missions of long duration" in Kosovo, Sandjak and Vojvodina to help prevent similar violations there.
- it supports dispatch of a CSCE mission to Skopje to avoid spillover of the conflict in that area.
- it is asking CSCE participating states to assist neighboring states enforce the U.N. sanctions against Serbia and Montenegro by strict compliance with the sanctions themselves.

Following are excerpts from the committee statement:

(begin excerpts)

At its 16th regular meeting from 16 to 18 September the Committee of Senior Officials reviewed the situation in Bosnia-Herzegovina and other parts of former Yugoslavia.

The participating states reiterated their deep concern for the tragic events unfolding day by day and the growing danger that war might spread.

The participating states welcome the process begun at the London Conference and expressed their support for the statement of principles, specific decisions and the other agreements reached there. They also welcome the recent decisions of the U.N. Security Council and underline the need to implement fully the U.N. Security Council sanctions.

CSCE activities will be carried out in close coordination with other international bodies including the United Nations, European Community, the Council of Europe, UNHCR and ICRC.

The CSO will:

-- decide to dispatch, should circumstances warrant it, further rapporteur missions on humanitarian aspects of the crisis, in particular the urgent closure of detention camps, and in coordination with the activities of the United Nations, the Council of Europe, UNHCR and ICRC;

-- undertake preventive diplomacy through long-duration missions to Kosovo, Sandjak and Vojvodina and by fact-finding activities as appropriate;

-- ~~dispatch the CSCE mission to Skopje to avoid the spillover of the~~ conflict and welcomes progress in negotiations in establishing European Community monitoring missions with authorities in Budapest, Sofia and Tirana;

-- promote in conjunction with the European Community presidency the establishment and coordinate the activities of sanctions assistance missions to the countries neighboring Serbia and Montenegro.

The committee took the following decisions:

#### Humanitarian Questions

The Committee of Senior Officials reviewed further the urgent humanitarian problems that have resulted from the continuing conflict in former Yugoslavia.

The CSO noted in particular the urgent need for humanitarian assistance for those affected by the conflict. With winter approaching there must be a major effort to deal with major needs of persons whose lives have been disrupted.

They (CSCE participating states) intend to maintain continuous observation and pressure for improvement of the situation. They will apply their efforts directly and in close cooperation with the Geneva follow-up of the London Conference.

CSCE participating states intend to pursue with special vigor evidence of severe human rights abuses in several regions of the former Yugoslavia. In this connection, the CSO expressed special gratitude for the service performed by the rapporteur mission, headed by Ambassador Sir John Thomson, which was authorized at the meeting of 14 August 1992. They welcomed the presence of Ambassador Kenneth Blackwell, deputy chief of the mission, who described the observations of the mission and presented its recommendations.

This mission and previous missions of the CSCE as well as the mission of the U.N. special rapporteur on human rights and detention camps, Mr. Tadeusz Mazowiecki, have made possible a detailed documentation of the conditions that exist in Bosnia-Herzegovina. The description of the situation in detention camps and of the existence of practices such as ethnic cleansing confirmed fears that the situation in Bosnia-Herzegovina represents the most severe violation of human rights and disregard for international humanitarian law.

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The Committee of Senior Officials approved public release of the descriptive sections of the report by Sir John Thomson's mission as an important contribution to better understanding of the conditions that have developed in Bosnia-Herzegovina.

Based on the conclusions of the rapporteur mission and on the results of the London Conference, the Committee of Senior Officials agreed the following:

-- The CSCE participating states have documented evidence of the existence of policies of ethnic separation, cleansing and forced resettlement. Persons detained in camps are guiltless civilians; the number of genuine prisoners of war in these centers is minimal. The CSO expresses its abhorrence of these practices. All prisoners should be unilaterally released at the earliest moment once their safety is assured. The process will require broad international support.

-- The participating states declare null and void the enforced sale or donation of property which has occurred in areas of conflict. They reaffirm their rejection of forced changes in borders or the ethnic composition of regions of Bosnia-Herzegovina and other parts of former Yugoslavia which have taken place during the conflict.

CSCE participating states will continue to place special emphasis on establishing personal accountability for the crimes which have been committed during the war. This responsibility should also extend to those in command of the detention centers as well as to those exercising political control.

#### Missions of Long Duration

The Committee of Senior Officials with reference to:

-- its decision of 10 June 1992 to send an exploratory mission to Kosovo, Sandjak and Vojvodina and to the conclusions and recommendations in the report of 9 August 1992 submitted by this exploratory mission to the Committee of Senior Officials;

-- the letter of 24 June 1992 from the Belgrade authorities accepting in principle missions of long duration to the three regions;

-- its decision on 14 August 1992 that the missions of long duration establishing a continuous presence in Kosovo, Sandjak and Vojvodina will:

promote dialogues between the authorities concerned and representatives of the populations and communities in the three regions;

collect information on all aspects of violations of human rights and fundamental freedoms and promote solutions to such problems;

establish contact points for solving problems that might be identified;

assist in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections;

Requests the head of missions to:

-- begin immediately with the establishment of a continuous presence in the three regions;

-- recruit, without delay, in close consultation with the chairman-in-office, upon recommendation by the steering group, a first contingent of personnel, and to dispatch it to the three regions;

-- elaborate the organization of the missions including personnel requirements;

-- elaborate on a priority basis draft modalities in cooperation with the head of the exploratory mission, Ambassador Jan af Sillen, in consultation with the representatives of the relevant populations and communities and minorities in the three regions and the Belgrade authorities.

#### Sanctions Monitoring

The Committee of Senior Officials notes with satisfaction the steps taken by the international community to implement U.N. Security Council resolutions 713 imposing an arms embargo against all the republics of the former Yugoslavia and 757 imposing mandatory sanctions against Serbia and Montenegro.

The CSO welcomes the efforts undertaken by states neighboring Serbia and Montenegro to enforce these U.N. Security Council resolutions. However, practical problems are being encountered by the neighboring states in the enforcement of these sanctions, particularly transit traffic. In order to assist the neighboring states in overcoming these special problems, the CSO urges all participating states to take necessary measures to ensure strict compliance with the sanctions in this respect.

The CSO takes note of the decisions of the London Conference on the former Yugoslavia concerning the implementation of sanctions and endorses the establishment of sanctions assistance missions in all states neighboring Serbia and Montenegro. The London Conference has invited the EC and the CSCE to coordinate these activities.

The governments of Bulgaria, Hungary and Romania have invited experts to provide advice on ways of overcoming difficulties in the application of the sanctions. Officials from the EC presidency and other CSCE states have participated in preliminary fact-finding missions to these countries. The CSO welcomes the intention of participating states to organize similar fact-finding missions to the other neighboring states.

The CSO decides to endorse the plan drawn up by the United Kingdom/European Community in close coordination with the United States of America and other CSCE participating states. This plan calls for the establishment initially in Bulgaria, Hungary and Romania as early as possible of sanctions assistance missions to assist the governments of these states in the implementation of sanctions. The status of these missions will be defined in Memoranda of Understanding agreed with the host governments as soon as possible. Similar sanctions assistance missions will be established in countries neighboring Serbia and

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Montenegro that may also be experiencing problems in implementation of sanctions.

Presence of Observers in the Countries Bordering Serbia and Montenegro

The CSO welcomes progress made in the negotiation of Memoranda of Understanding with the authorities in Budapest, Sofia, and Tirana to establish European Community monitoring missions on the territories of Hungary, Bulgaria and Albania. The CSO notes that the ECMM has already dispatched reconnaissance teams and aims to have the first monitors in place within two weeks from the signing of the Memoranda of Understanding. The CSO welcomes the signing today of the Memorandum of Understanding with the authorities in Sofia.

The CSO welcomes progress achieved in the effort to establish a monitoring mission in Skopje to avoid the spillover of the conflict and supports efforts to commence mission operations in the immediate future.

(end excerpts)

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## DOCUMENT 9

REPORT DOCUMENTS RIGHTS VIOLATIONS IN YUGOSLAVIA  
(1st U.S. report -- U.S. seeks U.N. war crimes commission) (770)  
By Russell Dybvik USIA Diplomatic Correspondent

New York -- The United States delivered a report to the United Nations September 22 containing substantiated information about violations of humanitarian law and grave breaches of the Geneva Conventions in the former Yugoslavia.

State Department Spokesman Richard Boucher said the 11-page document was transmitted to U.N. Secretary General Boutros-Ghali as the first step in a process that could ultimately lead to the prosecution of individuals for war crimes in the Yugoslav conflict.

"We are taking this step pursuant to U.N. Security Council Resolution 771 which requests member states to collect such information and provide it to the U.N.," Boucher said in a written statement attached to the documentation.

The report details allegations of willful killing, torture of prisoners, abuse of civilians in detention centers, deliberate attacks on noncombatants, wanton devastation and destruction of property, and other violations including forcible expulsion and deportation of civilians in what has become known as an "ethnic cleansing" campaign.

"We are working actively with others on a resolution to create a United Nations commission to look into these charges, to establish the facts, and to prepare for possible prosecution of individuals found guilty of those crimes," Boucher said.

The information was gathered from a variety of sources, the U.S. document said, including eyewitness accounts. "The discrete incidents reported herein contain indications that they are part of a systematic campaign toward a single objective -- the creation of an ethnically 'pure' state," the document said.

A senior State Department official told reporters late September 22 that as far as he was aware, the United States is "the first country to actually submit information on an individual basis. We've encouraged others to do the same."

He said the United States has begun "informal consultations" with other governments about the creation of a special U.N. War Crimes Commission.

"I don't think I can characterize others' views although they did support the passage of the initial resolution," the U.S. official said. "We certainly have talked to others about this concept, and I think there are other countries that share this idea."

Such a commission would "take this information that was required by the previous resolution, go through it, establish facts, and establish identities of people who are engaged in abuses," he explained. A new Security Council resolution would be required to establish the commission.

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Another step would involve "the establishment of some sort of tribunal or judicial process that would prosecute" individuals found to be responsible for violating humanitarian law and the various Geneva Conventions, he said.

"There is no specific timetable at this point," the senior U.S. official said. "We're in the beginning of this."

He reminded reporters that former Secretary of State Baker said about a year ago, in the wake of the Persian Gulf War, that "we have legal grounds, moral grounds and ethical grounds to pursue war crimes against the Iraqi leadership, but as a practical matter, we do that once we have someone in custody."

The proposed new U.N. commission "would put us in a position to evaluate and identify those responsible" for war crimes in the former Yugoslavia, he said. But, as in the case of Iraq, the world community would not be in a position to take the step of prosecution against violators "until we've identified specific people responsible and have some custody of them," he said.

Some of the information contained in the U.S. document, especially some of the data revealed by the Department of State, probably has not been made public before, the senior official said. The United States has asked the United Nations secretariat to circulate the U.S. report as a U.N. document and that probably will take place within a couple of days, the official said.

The incidents reported in the U.S. document cite violations by all of the various parties to the bitter Yugoslav ethnic conflict, but the largest share of responsibility is attributed to Serbs in Belgrade and in Bosnia-Herzegovina.

In some cases, it cites names, the official said of the document, explaining that "it depends on how specific our information was."

Reports on human rights abuses in the former Yugoslavia already have been submitted to the United Nations by special rapporteurs of the U.N. Human Rights Commission, the Conference on Security and Cooperation in Europe (CSCE), and the U.N. High Commissioner for Refugees (UNHCR), the official noted.

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FORMER YUGOSLAVIA: GRAVE BREACHES OF GENEVA CONVENTION (Text: U.S. report to U.N. Security Council) (3320)

(The following report, entitled "Former Yugoslavia: Grave Breaches of the Fourth Geneva Convention," was submitted by the United States to the U.N. Security Council September 22 in accordance with Resolution 771 requesting information from states on violations of humanitarian law being committed in the former Yugoslavia.)

#### INTRODUCTION

In paragraph 5 of Resolution 771 (1992), the U.N. Security Council called upon states and international humanitarian organizations to collate substantiated information in their possession or submitted to them relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia and to make this information available to the council. This report is in response to that request.

Paragraph 1 of Resolution 771 reaffirms that all parties to the conflict in the territory of former Yugoslavia are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the conventions are individually responsible in respect of such breaches. Paragraph 2 of the resolution strongly condemn any violations of international humanitarian law, including those involved in the practice of "ethnic cleansing." The third preambular paragraph of the resolution lists come of the violations of international humanitarian law in the territory of the former Yugoslavia that have been reported: "mass forcible expulsion and deportation of civilians, imprisonment and abuse of civilians in detention centers, deliberate attacks on non-combatants, hospitals and ambulances, impeding the delivery of food and medical supplies to the civilian population, and wanton devastation and destruction of property."

In collating substantiated information on violations of humanitarian law pursuant to paragraph 5 of Resolution 771, the United States has focused on the violations identified in the resolution and other grave breaches as defined in Article 147 of the Fourth Geneva Convention (Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949). Consequently the information contained in this report is categorized in accordance with the list of reported violations contained in Resolution 771 as quoted above and the other grave breaches listed in Article 147 of the Fourth Geneva Convention that do not correspond to those mentioned in Resolution 771 (i.e., willful killing; torture or inhuman treatment; compelling a civilian or prisoner of war to serve in the forces of a hostile power; willfully depriving a civilian or prisoner of war the rights of fair and regular trial; and hostage taking).

The discrete incidents reported herein contain indications that they are part of a systematic campaign toward a single objective -- the creation of an ethnically "pure" state. We have not identified "ethnic cleansing," which is condemned in paragraph 2 of Resolution 771, as a separate category of violations. Nevertheless, the rubric of ethnic cleansing may unite events that appear unconnected and may therefore prove useful in identifying persons and institutions that may be responsible for violations of established international humanitarian law.

The United States has obtained the information in our report from a variety of sources, including eyewitness accounts reported to the United States. Because Resolution 771 calls upon international humanitarian organizations also to submit the substantiated information in their possession to the council, the United States has mentioned but has not summarized the reports it has received from such organizations. Because press reports are matter of public knowledge and often are hearsay, the United States has described only such media reports in which the reporter

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stated that he/she personally witnessed violations of international humanitarian law. The United States has provided the most reliable information available to us and has relied to the extent possible on eyewitness accounts. Dates at the left margin of the attached report refer to approximate dates of incidents.

#### FORMER YUGOSLAVIA: GRAVE BREACHES OF THE FOURTH GENEVA CONVENTION

##### WILLFUL KILLING

25 August -- At Manjaca prison camp, south of Banja Luka, 25 bodies of emaciated men, believed to be prisoners, were discovered with their throats cut. The camp was operated by the Serbian Army of Bosnia-Herzegovina under General Ratko Mladic. (DOS)

24 August -- A resident of Pososje, Bosnia saw 24 men, two women, and two boys machine-gunned by Serbs in her neighbor's garden. (Reuters)

24 July -- A former inmate of the Serb-run Keraterm camp in Prijedor, in northwestern Bosnia, said that more than 100 prisoners died, due to riots after prisoners were denied water for an unspecified time; most suffocated in a crowd of prisoners trying to escape through a window. Others were shot while escaping or summarily executed for participating in the riots. (DOS)

8 July -- Several hundred Muslim men were taken prisoner by Serb paramilitaries during a forced evacuation of Gecko, and 36 were murdered. (DOS)

July -- A man interned at the Djakovo refugee camp witnessed the murder of an acquaintance with the handle of an axe or a pick. "He was over 55, and I saw him beaten...with my own eyes." The guards in the camp wore fatigues and hats with Chetnik symbols. (Congress)

17 June -- A 37-year-old male from Dobo, the village of Pridjel Gornji, described the killing of seven people and the destruction of the mosque by Chetniks. "Some wore white bands; some wore red caps; some wore JNA uniforms. They beat us with rifle butts." (Congress)

June -- The Citizens Council of Kozarac appealed for international observers about June 6 claiming that a large-scale massacre had occurred in Kozarac and that truckloads of bodies had been taken away to cover up the crimes committed there. (DOS)

27 May -- A 55-year-old woman from Kozarac was brought to camp in Trnopolje on May 27 where she and a group of 300-400 witnessed the killing by machine gun of Besic Jusuf (50), Karabasic Ismet (35), Ekrem Karabasic (25), Sejdo Karabasic (21), and Meho Vukanovic (25). "They (Chetniks and Serbs) killed them because they had haircuts that made them think they were Ustashi." (Congress)

26 May -- About 200 Muslim refugees from Visegrad heading for Macedonia were turned back at the Mokra Gora border crossing into Serbia on May 26. An employee of the bus company that was transporting the refugees said that the group was stopped outside Bosanska Jagodina later that day by a

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group of armed men, and that he saw 17 male refugees taken from the buses and "liquidated." The killers were members of two Serbian "volunteer" groups operating in the local Serb "territorial defense" formation, which had been systematically abducting and murdering Muslims in the region. (DOS)

2-22 May -- A man reliably believed to be a former inmate of the Serb-run Luka camp in Brcko described evidence of violence in the camp, including bloodstains. According to other inmates, he said, as many as 1,000 killings took place at Luka camp between May 2-22, after which the bodies were buried in a mass grave near a livestock farm called Bimex-Brcko. (DOS)

21 May -- A 29-year-old women from Kabljani, in the vicinity of Prijedor, on May 21 witnessed the killing of five or six policemen. "They also killed some men who possessed tractors." (Congress)

18 May -- "I saw my father and mother being killed," said a resident of Kozarac. "Both were 67 years old." The killer was a 21-year-old neighbor. "He probably slaughtered 30 elderly people that day." (Congress)

16 May-14 July -- A Muslim man, taken to Prnjavor camp in Bosnian Serb Krajina, described beatings by Serbian military police. He saw one man die during a beating on May 17 and another die on June 6. The alleged killers were members of groups called White Eagles or White Wolves. (Congress)

7 May -- A private citizen reported that he had visited a cattle slaughterhouse near Brcko, near the Luka camp. He heard screams and shots. He spoke with a survivor of the facility, who said that 100-300 persons were killed each day from May 7-14. (DOS)

7 May -- A resident of Brcko told of mass killings during the first week of May when Brcko surrendered to Serb forces with little resistance. (DOS)

2 May -- A 38-year-old inmate at the Djakovo refugee camp in Croatia said that she was taken on May 9 to Luka camp near Brcko, where she saw 10 people being killed every day with rifle butts and bottles. "Two prisoners were required to slap each other. The one who didn't slap as hard was killed. One time, I saw them cut off the ears of the weak slapper, then cut off his nose and then kill him by cutting his throat." (Congress)

May -- Four relatives of a Bosnian refugee were chopped up by Cetniks and burned, according to May 21 testimony given to the Carinthian provincial government of Austria. During the same testimony, the refugee described how the Cetniks had cut his cousin with razor blades and pulled off his skin with pliers. (DOS)

May -- An American citizen, in the custody of Serbian forces after serving in the Croatian army, said that he saw Serbian soldiers torture a Croatian soldier to death in a camp near Bileca, Bosnia. He saw the same soldiers torture another group of Croatian prisoners; he saw one that died being carried away. (DOS)

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10 April -- A Serb who had been married to a Bosnian Muslim told U.S. Embassy officers in Budapest on September 9 that several Yugoslav army tanks had come in to Zvornik on April 10. About 30 masked irregulars, who she claimed belonged to a unit under "Arkan," conducted a house-to-house search for Muslim men by checking identity cards. The Serbs then allegedly cut off the heads, hands, and feet of their victims. (DOS)

#### TORTURE OF PRISONERS

6 August -- ITN and The Guardian reported on a visit by journalists to Tropolje, in northeastern Bosnia, where the journalists witnessed emaciated prisoners and were given smuggled pictures of men with terrible injuries from beatings allegedly inflicted by Serb soldiers at Omarska and other camp. (London Press Association)

July -- A 62-year-old inmate described his 18-day ordeal at the Djakovo refugee camp in Croatia. "There were 199 of us in the camp. I know the number because I counted the pieces of bread that were given out. While in the camp, I was hit and beaten up. My legs were swollen, I had bruises on my face, and my eyes were swollen. They would pour water on me and continue beating me." (Congress)

June-July -- A 60-year-old man signed in as prisoner number 519 in the Bosanski Samac camp. "They hit me with a stick and burned me with cigarettes. They would throw water on me to wake me up so they could continue the beatings. I got pneumonia because of the cold water." On the day he was released, he was beaten in the stomach. A certificate from Slavanski Brod Medical Center showed that he was treated July 5-17 for contusions, fractured ribs, and psychotic depression. He had burn marks on his left arm and a large scar on the top of his head. (Congress)

March-May -- Two American citizens who enlisted and served in the Croatian army were incarcerated from March to May in three separate POW camps during which time they were beaten daily with gun stocks. They also witnessed daily beatings of other prisoners. The prisoners were subjected to electric shock treatment, use of a "stun gun," and sexual assaults. Scars and bruises were still evident on at least one of the Americans when he was turned over to the U.S. ambassador in Belgrade. (DOS)

#### ABUSE OF CIVILIANS IN DETENTION CENTERS

1 September -- Congressman Frank Wolf visited a prison camp, operated by paramilitaries of the Serbian Democratic Party (SDS), at Batkovic. Reportedly 1,280 men were held in two grossly overcrowded sheds where they slept on straw. Most of the prisoners were apparently being held for no reason other than their ethnic identity. (DOS)

30-31 August -- CSCE mission member John Zerolis, a U.S. Foreign Service Officer assigned to the U.S. Embassy in Zagreb, inspected the Serb-run prison camp of Manjaca in northwest Bosnia. He observed several thousand prisoners, none of whom was wearing any form of uniform. At that time his group was told by prisoners that they were non-combatants, that they had been summoned from their homes or simply called to the door, and that they were then arrested. Asked about attempted escapes from Manjaca, camp commander Lt. Col. Popovic said there had never been any, and there "never would be any." (DOS)

14 August -- "Tens -- possibly scores" of women were confined uncomfortably in an overheated metal shed that appeared to be a former munitions warehouse in a disused Yugoslav Army barracks outside Capljina run by Major Miro Hrstic of the Croatian Defense Association of HOS. In response to questions from journalists about the shed, Hrstic said, "Let that remain a secret." (London, The Guardian)

August -- Serbian civilian inmates, including a pregnant woman and elderly people are subjected to beatings at the former JNA Victor Bubanj barracks in Sarajevo, a camp run by Bosnian Muslims. (Belgrade's opposition weekly, Vreme)

August -- Women inmates were raped while being held at the Croat-run Odzak camp, according to a western reporter who interviewed Serb refugees. (DOS)

15 July -- A Serbian artillery attack on Bosanski Brod killed nine and wounded over 30 at a nearby refugee center. (DOS)

26 May-26 June -- A 43-year-old woman who was interviewed on August 10 at the Spnsko Water Facility near Zagreb had been taken on May 26 to Prijedor to the Trnoplje camp. During her 30-day captivity, "drunk soldiers came into the room to get women and girls as young as 12 and 13...the girls said they had been raped. Some of the girls didn't return." (Congress)

#### DELIBERATE ATTACKS ON NON-COMBATANTS

August-8 September -- Rexhep Osmani, president of the Naim Frasheri Teachers' Association in Kosovo, has been in jail since mid-August facing undefined charges. Forty-one school administrators and teachers were "brutally treated, during the week of September 1 by Serb authorities. Serbian police "opened fire" against high school students in early September at the PEC Technical School Shaben Spahija, according to Kosovo education officials. (DOS)

6 September -- A convey of U.N. trucks carrying aid supplies to Bosnian civilians was mortared on September 6. Snipers fired all day at U.N. personnel as they distributed food to people in Sarajevo. (Hamburg, DPA)

5 September -- Serb militia -- who control the main water reservoir outside of Sarajevo -- were reducing water supplies to the city in "another attack on civilians," according to the deputy commander of the Bosnian forces. (API)

3 September -- Marco Betti, Cesare Buttagliari, Giuliano Velardi, and Marco Rigliaco were killed on September 3 when their G-222 aircraft -- which was carrying five tons of blankets to Sarajevo on a U.N. relief mission -- was shot down by up to three ground-to-air missiles. (Rome ANSA, London The Independent)

#### WANTON DEVASTATION AND DESTRUCTION OF PROPERTY

4 September -- Destruction and damage to homes is occurring at the rate of hundreds each day, making them unsuitable for habitation during the winter, according to UNHCR Zagreb program coordinator Anthony Land. (DOS)

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August -- The Chetniks burned down houses, threw grenades, and planted bombs in Montenegro, according to refugee Ms. Medina, who was recorded on May 21 by the Carinthian provincial government of Austria. (DOS)

June -- Yugoslav military aircraft bombed a tobacco factory in the Bosnian town of Grude to stunt the struggling economy, according to a U.S. Senate staff report. (Congress)

26 May -- On May 26, the 200-year-old mosque of Prijedor was destroyed. (MAGYAR SZO)

April -- In a letter to the U.S. secretary of state dated May 1, Professor Muhamed Dresevljakovic -- the mayor of Sarajevo -- wrote that militant parts of the Serbian Democratic Party had destroyed "civil sections, vital economy and communal buildings, schools and nursery schools, monuments of culture, boards of health, sacred monuments." The mayor begged, "Don't let Sarajevo become a second Vukovar, Bosanski Brod, or Foca -- cities vanished from the face of the earth." (DOS)

March-July -- The Croatian city of Slavonski Brod has been hit by over 10,000 artillery rounds, bombs, mortars, and ground-to-ground rockets since March. As of July 16, over 70 civilians had been killed, including 18 children, and over 200 wounded. The 3,000 buildings that had been damaged included 15% of the local residential housing. (DOS)

#### OTHER, INCLUDING MASS FORCIBLE EXPULSION AND DEPORTATION OF CIVILIANS

3 September -- Almost 200 judges were dismissed from positions in Kosovo because of their Albanian ethnic identity. (DOS)

1 September -- Inmates in the Manjaca camp, south of Banja Luka and operated by the Bosnian Serb army, are civilians arrested because of their ethnic identity, according to U.S. Embassy sources in Banja Luka. (DOS)

24 August -- A resident of Pososje was taken by Serbs and, with other persons, robbed and turned loose near Muslim lines at Travnik. (Reuters)

20 August -- More than 1,500 primarily Muslim refugees were forced to leave the northwestern Bosnian town of Sanski Most and travel through the night -- many by foot -- to Travnik. Along the way, more than 40 of their vehicles were stolen. (API)

4 August -- Serbian Democratic Party (SDS) strategy is to expel Muslim Slavs from most of Bosnia, according to the U.S. Embassy in Belgrade. The SDS campaign of ethnic cleansing is causing misery and death for large numbers of Bosnian Muslims. (DOS)

2 August -- Albanian leaders described the Serbian intention of changing the ethnic balance in Kosovo. Since 1989, over 100,000 Albanians have been deprived of their jobs. This fall, 64,000 Albanian secondary school students may boycott classes, refusing a required Serbian curriculum. (DOS)

8 July -- Ethnic Muslims were forced from the district of Gacko, on the

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southern border with Montenegro. (DOS)

24 June -- SDS/JNA forces drove non-Serbs -- as well as Serbs married to Muslims or Croats, and Serbs who were "disloyal" -- out of their homes. Those expelled were given as little as 30 minutes to gather their belongings. (DOS)

9 June -- Serb paramilitaries who had taken control of the Muslim-majority districts of Zvornik, Srebrenica, Bratunac, and Vlasenica were systematically expelling Muslims. Muslims in the settlement of Grobnica, near Zvornik, were given a 24-hour ultimatum to leave, and were not being allowed to carry any possessions with them. The nearby town of Kozluk, whose population of 6,000 was predominantly Muslim, was under SDS occupation and "cleansed" as well. (DOS)

4 June -- The "war presidency" has been established following the Serb paramilitary occupation of Visegrad. Much of the district's Muslim population has fled and the Serbs have been confiscating the property of "all those citizens whose return to the territory of the Visegrad district has been forbidden." The "war presidency" has been inviting "Serb refugees from other areas" to move into vacant homes in Visegrad. (DOS)

2 June -- Serb paramilitaries have destroyed neighborhoods with large Muslim populations and killed some people in the towns of Sanski Most and Prijedor, in northwestern Bosnia. An office of emigration was established in Banja Luka to "facilitate" population transfers, since "more and more citizens of all nationalities want to change their place and area of residence." (DOS)

17 March -- A source close to Bosnian President Izetbegovic suggested that the upsurge of violence in Bosnia-Herzegovina was coordinated by the Serbian Democratic Party (SDS) and others, perhaps including the Croatian Democratic Union (HDZ), and the army. The army reportedly had provided arms to the Serb militants in Bosanski Brod, Zeuica, Kalinovik, and near Sarajevo. (DOS)

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## DOCUMENT 10

ATROCITIES IN FORMER YUGOSLAVIA DOCUMENTED  
(Text: Second U.S. report to United Nations) (4930)

Washington -- The United States submitted to the United Nations October 22 its second report on violations of humanitarian law and the Geneva Conventions being committed in the former Yugoslavia.

The 16-page document includes details of willful killings, the torture of prisoners, the abuse of civilians in detention camps, the wanton destruction of property and the forcible expulsion of civilians.

"Recent reports out of the former Yugoslavia reaffirm the need for further investigative work, such as that to be done by the newly established U.N. War Crimes Commission," the U.S. report said.

U.N. Security Council Resolution 771 called on nations to submit by November 6 reports on war crimes in the former Yugoslavia. The United States presented its first report in September.

Following is the text of the new U.S. report.

(begin text)

This report supplements the previous U.S. Submission of information pursuant to paragraph 5 of Security Council Resolution 771 (1992) relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia. We have tried not to duplicate information provided to us from other countries, which we expect will be submitting their own reports by the November 6 deadline in Resolution 780.

Recent reports out of the former Yugoslavia reaffirm the need for further investigative work, such as that to be done by the newly established U.N. War Crimes Commission. For example, reporters have been unable to locate any former prisoners of the camp at Omarska; this raises concerns for the prisoners' safety. In addition, the United States is continuing to receive reports of forced deportations. We strongly believe that these reports require expeditious investigation, so that substantiated information can be obtained about the persons responsible, while interviews with refugees once they have left the territory of the former Yugoslavia do provide valuable information, the international community needs to conduct investigations within the territory of the former Yugoslavia to assemble a more complete picture. Further, there is a need for forensic evidence regarding the various allegations of mass atrocities. The United States will pursue such information actively and will continue to urge other governments to do so as well.

In accordance with paragraph 1 of Resolution 780 (1992), the United States will submit additional supplemental reports when other relevant information comes into its possession.

As in the initial U.S. report, the notations at the end of each of the following items indicate the source from which the information was drawn.

## FORMER YUGOSLAVIA: GRAVE BREACHES OF THE FOURTH GENEVA CONVENTION

## WILLFUL KILLING

21 September -- Serb forces with automatic rifles about six miles outside Travnik fired on Muslim refugees who were leaving Bosanski Petrovac. "They shot at us from the forest beside the road," according to a 21-year-old man. "Four were killed in my truck and three were wounded." He gave the names of five relatives, all civilians, who he said he saw dragged from their homes by Serbian soldiers in Bjelaj on September 21 and shot point-blank.

Other refugees from Bjelaj said they believed more than 100 men and boys were killed in the village over a four-day period ending on September 22. (Reuters)

27 August -- Croatian paramilitary forces attacked a convoy of buses carrying over a hundred Serbian women and children, according to a peasant woman from Goradze who was in the convoy. She said the Croats killed 53 and left about 50 wounded. She escaped by hiding under some bodies. Her son, one of two "Serbian Republic" soldiers with the convoy, was badly wounded but survived. (Department of State)

21 August -- More than 200 men and boys were massacred by Bosnian Serb police on a narrow mountain track at a place known as Varjanta, near the confluence of the Ugar and Ilomska rivers about 15 miles north of Travnik, according to at least three reputed survivors.

Semir, a 24-year-old man, told reporters that he was one of the last off the bus. "I saw three Serb policemen standing there, and in front of them there were big pools of blood. I decided at that moment to jump. I rolled a long way down, until I was caught on a tree. I heard shooting up above for about an hour after that. Bodies were tumbling past me. There were a lot of them."

"Cerni," a 31-year-old Muslim described how the prisoners were taken off the buses. "I jumped as soon as they started. I protected my head and arms and tumbled down. When I stopped, the other bodies were falling on me. The blood was all over. The other people...were all killed at this place."

Semir, who lost a brother and a 16-year-old nephew during this incident, said he had recognized several of killers because they were from his home village, Corakovo. He recognized two brothers in particular -- naming them as among those who had rounded up this group of Muslims in Corakovo.

A third witness threw himself over the edge of the cliff as his guard turned to speak to another soldier. He had seen a Serbian soldier put a pistol in the mouths of several men and fire. (Department of State; The Washington Post; The New York Times; Reuters)

24 July -- A Muslim locksmith, who was interned at Keraterm camp in northwestern Bosnia, reported that on July 24 Serb guards with automatic weapons systematically had killed as many as 160 men who were locked

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inside an enclosure known as Room 3. The locksmith and three other Muslims imprisoned in an adjacent room said that another 50 prisoners were killed the next morning and that the killing continued the next night against an outside wall. "In the morning, they would collect the remains in a wheelbarrow -- brains, blood, pieces of flesh." (The Washington Post)

20 July -- A 31-year-old Bosnian Muslim refugee stated that on July 20 all the men living in Biscani were called out of their houses and forced to lie down in the center of town on asphalt. Serb soldiers beat them with iron bars, and forced them to sing patriotic Serbian songs. The most prominent women in the village, about 100, were brought together. As the women were told to disperse, they were shot in the back. The bodies of the women lay in the road for four days until Serb trucks came to collect them. (Department of State)

2 July -- An 82-year-old Bosnian Muslim refugee from the village of Prhovo, near Kljuc, described how the Serbian army came to his village, herded the people together in the center of the town, and called out names from a list. Three or four soldiers began to execute those whose names were called, murdering the women and children as well as the able-bodied men. There appeared to be no pattern to those selected for killing. The soldiers then set the village on fire. (Department of State)

June -- A 22-year-old man who had been interned in Keretera camp in June told New York Newsday reporter Roy Gutman that during three days he and other prisoners buried about 300 men and women from seven Muslim villages south of Prijedor. One out of every 10 prisoners selected at random told the reporter that he had been beaten or tortured, or had witnessed killings. (Department of State)

June -- A 31-year-old Bosnian Muslim refugee from the village of Hambarez, near Prijedor, witnessed the execution of two Muslims in the village of Biscani. One was Emsoud Aliskovic, a cousin of the village chief of police. As she watched, one Serbian soldier took an ax to the prisoners' heads, then the flesh of their upper thighs. Next, the soldier dismembered the victims' arms and legs. (Department of State)

May-June -- Between 2,000 and 3,000 Muslim men, women, and children were murdered by Serb irregular forces near Brcko. Most of the killing reportedly occurred at a brick factory and a pig farm near Brcko, and was done by irregulars led by Seljko Raznjatovic ("Arkan"), and Vojislav Sesselj. Witnesses claimed to have seen the spontaneous murders of up to 50 prisoners at a time. (Department of State September 25 statement; The Washington Post; USA Today; The Washington Times)

May-June -- Alija Lujinovic, a 53-year-old Muslim traffic engineer from Brcko, on May 3 was captured by Serbian irregulars -- two days after the Yugoslav army and irregular forces attacked Brcko. The following is part of his account:

3 May -- The leader of the territorial defense force was killed by soldiers' jumping up and down on his torso.

5 May -- About five soldiers killed about 20-25 people on the grass in front of the building in which they were detained by cutting their throats

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with knives.

7 May -- He and up to 1,500 people were taken by bus to the port known as Luka, on the Sava River. During their 50 days at this facility, Lujinovic witnessed the following:

Some people who had already been beaten to death were brought in the trunks of cars and dumped in the middle of the warehouse.

Lujinovic personally had to help carry out people who had been beaten in ~~the night and died from the beatings; the bodies were thrown into the~~ river. The guards were drinking heavily and taking green tablets. "Then they were really wild."

He once saw about 15 corpses of young men, 18-30 years old, completely naked, with their genitals torn out. A guard threatened to use a scissors-like instrument on him.

He saw at least 30 people taken to the sewage canals outside the warehouse where their throats were cut.

In some cases, he saw a doctor who would slit the throats of young, healthy people, cut out their organs and pack them into plastic bags, and load the organs into a refrigerator truck.

In one case, the guards broke a prisoner's head with gun butts to spill the brains. They then called the dogs to eat the brains.

23 June -- On June 23, the guards came and started calling out names of people to be released. Lujinovic was not on the list, but after he walked over to a guard with whom he had been acquainted at a former job and pleaded his case, he was released. He also stated that by the time of his release, only 150 of the 1,500 people had survived the camp. (Department of State; Congress; New York Newsday)

Mid-May -- A Muslim refugee, a butcher by trade and probably in his early 40s, spent 27 days at Luka camp outside Brcko during which time he saw a soldier drag a man out of his building and return after a short time with blood-soaked knife in one hand and the man's head in the other. The refugee discussed with a U.S. Foreign Service officer in Vienna, Austria, the lack of food -- a piece of bread about every three days. He witnessed one woman in her mid-30s die from starvation. (Department of State)

May -- Serbian guards at Omarska camp selected seven or eight Muslim and Croat prisoners at random each night to be executed, according to a 53-year-old Muslim camp survivor identified as Hujca. The only apparent trait the victims shared was their muscular build. (New York Newsday)

20 April -- Adil Umerovic, a Muslim, shot a young Serb male on a Goradze street for no apparent reason, according to a young Serbian woman who witnessed the killing. She said the Serb was an unarmed civilian who was handcuffed. (Department of State)

12 April-28 April -- A 33-year-old Bosnian Muslim refugee -- a machine technician by profession -- from Sarajevo and her two children were

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interned in Manjaca camp near Banja Luka for 16 days. One day the guards questioned one mother in front of the others. The guards then raped the mother's seven-year-old daughter in front of the other women interned in Manjaca camp. This girl died soon afterward. (Department of State)

April-July -- Reporter Roy Gutman obtained testimony from refugees on mass graves:

"Men mainly served for the collecting of dead bodies of their neighbors in surrounding villages and fields. A group of them during only one day collected 700 bodies and buried them in a mass grave. The location of the grave is next to the road leading towards the town of Prijedor -- at the edge of woodland called Gaj in the vicinity of the Europa Inn."

"In the Trnopolje settlement itself, there are mass graves almost next to each house (with) five, ten, or 20 bodies."

"During the active existence of the camp (Omarska), lasting three months, every day, 10 to 20 people were killed. Their bodies were transferred and partially or completely buried in the mine locations as follows: Jezero open pit, the old Tomasica mine, the new Ruvac open mine, the lake near the Mededa dam."

"Witnesses estimate that about 3,000-5,000 people were buried...(in) a mass grave...around the town of Prijedor, which is located near the village of Koricani on the road leading from the town of Skender Vakuf towards the town of Travnik at the place known by name Koricanska Stijena."

"Reconnaissance units of the army of Bosnia-Herzegovina were eyewitnesses of the burial of about 750 people during only one day. Their bodies were placed by excavators into fortification facilities and trenches for cannons, which were previously removed. Newly captured civilians and many camp prisoners from refugee convoys coming from the towns of Prijedor, Banja Luka, Kljuc, Mrkonjic Grad, and Skender Vakuf were killed."

April-July -- Imam Mustafa Mojkanovic of Bratunac was tortured before thousands of Muslim women, children and the elderly at the town's soccer stadium, according to Imam Efendi Espahic of Tuzla. Serb guards ordered the cleric to cross himself. When Mojkanovic refused, they beat him, stuffed his mouth with sawdust and beer, and then slit his throat.

The Muslim mufti of Zagreb, Sevkovic Omarbasic, has said that by the end of July the Serbs had executed 37 imams. (New York Newsday)

Mid-April -- Muslim soldiers removed Serbian corpses from the Drina Hotel in Gorazde to a nearby river. A former hotel worker said some of the corpses were mutilated, e.g., were missing hands, and she saw one with his eyes gouged out. (Department of State)

One Serb seized by the Muslims was named Zekovic. He paraded naked through Gorazde by his captors and was forced to crawl on the asphalt and bark like a dog, according to an eyewitness. Then he was tortured mercilessly before being executed, according to some reports. (Department of State)

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Adil's two brothers, Salko and Arif Umerovic, reportedly participated with him in the killing of other Serbs in Goradze. (Department of State)

#### TORTURE OF PRISONERS

May-June -- A 52-year-old Bosnian Muslim cleric, whom Serbian military police had arrested on May 16 and subsequently released, was picked up again on May 29 or 30 by a convoy of Serb militia; he had been hiding in the woods. He was interned in Omarska camp for 75 days, during which time he was beaten regularly until he bled. The cleric witnessed several public beatings and sexual torture in the camp. He said that several men had been forced by the guards to have intercourse with each other, and that guards cut off some prisoners' hands and penises as a punishment and to frighten the other men. (Department of State)

16 May -- A 52-year-old Bosnian Muslim cleric from Bosanska Kostajnica was arrested on May 16 by Serbian military police. He was beaten by the guards with rifle butts, boots, and police batons. Three ribs in his back and his chest bone were broken. All his upper front teeth were knocked out. (Department of State)

May -- A 35-year-old Muslim refugee from Rudo, who was detained in Rudo camp with 21 other Bosnians, told a U.S. Foreign Service officer on September 18 that all of the men in his camp had been beaten regularly. Men would be taken from their room for interrogation and return disfigured, in some cases with ears, fingers, or noses cut off. (Department of State)

May -- Forty young women from the Muslim-populated town of Brezovo Polje, north of Sarajevo, were brutalized and repeatedly raped in May of this year by Serbian soldiers, according to the Zagreb weekly, Globus. The U.S. Consulate in Zagreb reported that the story had contained enough names, dates, places, and other specifics -- including photographs of quoted victims -- to appear credible. (Department of State)

Reporter Roy Gutman wrote that victims had told him preparations for the mass rape began early on the morning of May 17, when Serb soldiers in army uniforms and masks piled out of their minivans and rounded up the Muslims of Brezovo Polje for "ethnic cleansing." About 1,000 women, children, and elderly were packed into eight buses, driven around the countryside for two days, and held under armed guard for four nights without food or water in a parking lot in Ban Brdo. Each night the soldiers reportedly took women off the buses to an unknown location at knifepoint. Finally, the group arrived in Caparde, where about 50 followers of Zeljko Arkan separated daughters from their mothers. The rape victims were "aged 15 to 30, with wholesome looks, careful dress, and gentle manners." (New York Newsday)

#### ABUSE OF CIVILIANS IN DETENTION CENTERS

August-September -- The CSCE Thomson Mission visited 21 Bosnian camps in late August and early September. "The situation in the camps is more or less disastrous. There can be no thought whatsoever of winter because some of the camps are in meadows under the open sky. Others have no water or heat, and people are lying on a bit of straw on the concrete.

Malnutrition, bad medical care, and unsatisfactory hygiene conditions are commonplace. People live in constant fear of being beaten or shot in the back of the head. The sick and old prisoners risk freezing to death when winter comes." (Thomson Mission Report)

June -- A 16-year-old Muslim interned at Trnopolje camp, after having been raped three times, asked her Serbian rapist, "What are you doing?" He answered, "That's what your people are doing to us as well." After having released this girl, he and his group returned at least twice to the camp for more girls. One of the girls returned at 3:30 a.m. after having been roped by 12 different men that night. (New York Newsday)

May -- A 23-year-old Bosnian Muslim from Trnopolje, near Prijedor, was interviewed on October 5 by a Foreign Service officer in an ex-detainees transit facility in Croatia. He had to leave his home on May 22 as part of the Serbian ethnic cleansing operation in northern Bosnia. After living with neighbors for two weeks, he was taken on June 9 to Trnopolje camp.

He stated that prisoners were occasionally allowed to leave Trnopolje camp for half-hour to one-hour periods to search for food in the woods. He explained that a prisoner always had to leave behind something important when he was let out. If he returned late, he would be beaten or killed. If he did not return, he would be shot on sight if and when found.

The ex-detainee stated that one month after his internment, he found the body of a friend in the woods approximately 300 meters from the camp. His friend's throat had been slit. The ex-detainee had seen his friend taken away earlier by a guard named Dragoje Cabic, whom the ex-detainee described as one of the most sadistic guards at Trnopolje. Cabic beat people very often and very brutally. Three weeks after discovering his friend's body, he found in the woods the body of his friend's brother.

The ex-detainee identified the commander of the camp as Major Slobodan Kuruzovic. (Department of State)

May -- A 40-year-old Bosnian Muslim from the village of Kozarac was interviewed on October 5 by a Foreign Service officer in an ex-detainee transit facility in Croatia. He described the capture of his village by Serbian irregular military forces and the severe mistreatment and killing of many of its people.

The witness stated that on May 24, the irregular forces entered his village shooting with tanks and guns. They were met by poorly organized, lightly armed resistance from the villagers, who were compelled to surrender after a full day of fighting. At the outset of the incident, he had worked to evacuate the children and elderly. He hid 140 children and 80 old people in the basement of a house in the town and later began to evacuate them through the woods toward the Croatian border. At first they had a guide, but he later deserted the group in the woods. After spending a night in the woods, the group learned that everyone else in the town had surrendered, and the witness decided that the group should give themselves up also as the best hope of ensuring their safety. Several similar groups that had also fled into the woods gathered in the woods to surrender together, making a combined group of around 3,000 persons, mainly children and the elderly.

The witness said that as the group walked out of the woods onto a road called Carsija Ulica, with white flags held high by about every fiftieth person, they were met by three tanks commanded by Zoran Karlica, a neighbor of the witness. Despite the white flags, the tanks opened fire on the group and many children were killed.

The witness was shortly thereafter taken on a bus to the Keraterm camp, where 120 people spent two nights on the bus parked at the gate of the camp without fresh air or water. On the third day, as the men filed off the bus single file, Serbian soldiers beat them on the back and limbs with police batons. The group spent two nights at Keraterm. On the third day, the witness and many other men were put on buses at one a.m., told to keep their heads down, and driven to Omarska camp.

The witness spent 77 days at Omarska, where he was interrogated and beaten eight times. On one occasion, his hands and feet were bound and he was hung from a hook by his hands and raised from the floor. He was beaten by several guards using rifle butts, heavy electrical cables, and homemade batons carrying small metal balls with sharp spikes. The witness said he was beaten senseless and awoke in a pool of his own blood, the only liquid he had to moisten his mouth.

The witness stated that a young Muslim man from Kozarac who had owned a Suzuki motorcycle was tortured in front of the other prisoners. He was severely beaten all over his body and his teeth were knocked out. The guards then tied one end of a wire tightly around his testicles and tied the other end to the victim's motorcycle. A guard got on the motorcycle and sped off.

The witness said that guards at the camp would pour acid on the fresh wounds of prisoners after some of the public beatings and laugh as the prisoners screamed from pain.

The witness said that prisoners at Omarska had to pass a field as they were herded to the eating area. He stated that there were 10 to 15 new corpses laid out in the field every morning. As prisoners fled into the eating area past a line of guards, the guards would trip the men and beat them on the back, limbs, and joints with police batons and heavy cable. Every two days the prisoners received about 100 grams of bread and a small cup of soup with a bit of rice or potato. The witness went from 86 kilograms to 52 during his 77-day confinement.

The witness described the preparations made in the camp before the first journalists arrived. About 200 men in one sleeping room were moved to another room already at overcapacity. They were told to keep their heads down below window level and to keep quiet. There was only enough room for the men to sit with their knees against their chests. The other room was cleaned and 30 new prisoners from Keraterm were put there and shown to reporters.

He identified six guards at the Omarska camp by first name only: Neso (used to work at the Sretno cafe in the Suhi Brod quarter of Kozarac), Ritan, Uros, Daja, Gruban, Zeljko (probably among the camp commanders; drove a green Mercedes). (Department of State)

Late May -- A Muslim refugee, a butcher by trade and probably in his early 40s, spent 27 days at Luka camp outside Brcko during which time he saw about 20 soldiers rape a woman in the presence of her child and other camp inmates. During a September interview with a U.S. Foreign Service officer in Vienna, he claimed that it was general knowledge that young girls were being picked up almost daily and brought to the canteen where they were raped. The girls subsequently "disappeared." (Department of State)

12 April-28 April -- A 33-year-old Bosnian Muslim refugee -- a machine technician by profession -- from Sarajevo and her two children were interned in Manjaca camp near Banja Luka for 16 days. During a September 25 interview with a U.S. Foreign Service officer in Zagreb, she described her first interrogation: two Serbian camp guards, who called each other Todor and Srbo, beat her and burned her right upper thigh twice with a cattle prod. They raped her in front of her children, a 12-year-old daughter and a 9-year-old son. Afterward she bled badly. Her daughter was raped twice. (Department of State)

#### WANTON DEVASTATION AND DESTRUCTION OF PROPERTY

29 May -- A May 29 Serb attack on Prijedor destroyed the centuries-old Prohaska mosque and St. Joseph's Roman Catholic Church. (New York Newsday)

April-July -- All 14 mosques in and around Foca, among them the Aladza -- the colored mosque -- built in 1550, were destroyed, as was the Ustikolina mosque near Foca, built in 1448. Thirteen mosques in Mostar, all built between 1528 and 1631, were destroyed.

According to the head of the Islamic community in Zagreb, 200 mosques were destroyed and another 300 damaged between April and late July. The Bosnian Institute in Zurich estimated that, in areas of Serb occupation, 90 percent of the mosques have been destroyed. (New York Newsday)

#### OTHER, INCLUDING MASS FORCIBLE EXPULSION AND DEPORTATION OF CIVILIANS

6 October -- Serbs forced hundreds of ethnic Muslims -- at least six busloads -- out of the district of Kotor Varos, southeast of Banja Luka. In addition, they gave ethnic Muslims in Kljuc an ultimatum to leave their district by the morning of October 6, a deadline that was delayed until October 8. (Department of State)

3 October -- The president of the International Committee of the Red Cross (ICRC) stated on October 3 that "the ICRC is convinced that, under cover of a policy of 'ethnic cleansing,' tens of thousands of members of minority groups in areas controlled by the parties are still at the mercy of repressive measures applied locally in accordance with a discriminatory ideology. (ICRC Information Department)

29 September -- In the northern Vojvodina town of Subotica, Serbian Radical party (SRS) regional president Bozidar Vujic declared that his party had formed a paramilitary to "cleanse Subotica of all those who do not recognize Serbia and its political and territorial integrity." SRS leader Vojislav Seselj reportedly was handing out arms to Serbian farmers in Vojvodina as a prelude to efforts to drive out other nationalities. (Department of State)

25 September -- About 80 percent of Sarajevo's 350,000 civilians are without power and running water. Local Serbian commanders have repeatedly refused to permit crews from the water company into Serbian-held areas to repair pumps, clean filters, or replenish chlorine supplies. Without chlorine, engineers have been unable to fight the growing threat of water-borne epidemics. The relay station on Trebevic Mountain that carried telephone calls beyond Sarajevo was switched off by Serbian forces three months ago. (The Washington Post; The New York Times)

~~July-September -- Banja Luka's 30,000 Muslims have been terrorized by bombings, beatings, and interrogations, which have resulted in 126 Muslim deaths. Radisav Brdjanin, chief of the local war crisis committee in early September said on television that there was only room for 1,000 Muslims in Banja Luka and the 29,000 others would have to leave, "one way or another." (The Washington Post)~~

June -- Serb forces chartered an 18-car train in an attempt to deport the entire population of Kozluk, Bosnia -- some 1,800 people -- to Hungary, but Hungary refused to admit them. After four days on board, the villagers were brought to Palic camp. They were told that "this was part of an ethnically pure Serbian region, and it was inconvenient to have a Muslim village at a key road junction." (New York Newsday)

18 March -- A Serbian woman in Goradze lost her right arm when "Muslim terrorists" threw a hand grenade in her home in a mixed neighborhood. (Department of State)

(end text)

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## DOCUMENT 11

FURTHER ATROCITIES IN FORMER YUGOSLAVIA DOCUMENTED  
(Text: Third U.S. report to United Nations) (7520)

Washington -- The United States November 6 submitted to the United Nations its third report on violations of humanitarian law and the Geneva Conventions being committed in the former Yugoslavia.

Details of willful killings, the torture of prisoners, the abuse of civilians in detention camps, deliberate attacks on non-combatants and mass forcible expulsion and deportation of civilians are included in the 20-page document.

In accordance with U.N. Security Council resolution 780, the report said, "the United States intends to continue providing reports as additional relevant information comes into our possession."

The U.N. Commission of Experts that was established pursuant to the resolution, the report said, is ready to begin its work of "investigating war crimes allegations with the aim of preparing cases suitable for prosecution," and the United States "stands ready to assist."

Following is the text of the third U.S. report:

(begin text)

This is the third submission by the U.S. government of information pursuant to paragraph 5 of Security Council resolution 771 (1992) relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia. As in our two previous reports, we have focused on grave breaches of the Geneva Conventions and, in accordance with resolution 771, have provided information that is "substantiated," that is, which rests upon eyewitness testimony directly available to us or that includes detail sufficient for corroboration. For the moment, we have also tried not to duplicate information provided to us from other countries and non-governmental sources, which we understand will submit reports pursuant to resolutions 771 and 780. The information provided is intended to be useful to the Commission of Experts established pursuant to Security Council resolution 780. The United States has further substantiating information concerning the incidents included in this report, which we plan to provide directly to the Commission of Experts on a confidential basis.

In accordance with paragraph 1 of resolution 780, the United States intends to continue providing reports as additional relevant information comes into our possession.

The United States is pleased that the Commission of Experts established pursuant to resolution 780 is ready to begin its work. The United States played a leading role in the adoption of that resolution and stands ready to assist the commission in its important work of investigating war crimes

allegations with the aim of preparing cases suitable for prosecution and, by doing so, of establishing the record of humanitarian offenses in the former Yugoslavia.

As in the two previous U.S. reports, the notations at the end of each of the following items indicate the source from which the information was drawn.

#### WILLFUL KILLING

October 22 -- A group of approximately 18 ethnic Muslims was kidnapped near the Serbian town of Priboj on October 22, while traveling on a bus route that took them into territory controlled by Bosnian Serbs. Belgrade newspapers reported on October 23 that the kidnapped Muslims had been killed. A Serb official has admitted that Serb paramilitaries operating in Bosnia basically had free run in the Sjeverin area prior to the police and army intervention after the kidnapping. (Department of State)

24-26 September -- Muslims from Kamenica reportedly killed more than 60 Serb civilians and soldiers in Serbian villages near Milici on September 24-26. (Department of State)

An American freelance writer reported that he saw the bodies of mutilated and tortured Serbs from the villages of Rogosija and Nedeljiste at the St. Paul and Peter Serbian Orthodox Church in Vlasenica after the lids on about 10 of the coffins were removed by soldiers for viewing:

"Some bodies were burned to a charcoal, others had fingers cut off on their right hand which the Orthodox use to bless themselves, some were circumcised as a final affront (Serbian Orthodox males in Yugoslavia are not circumcised, whereas Muslims are), some had their eyes gouged out, gaping knife wounds everywhere, and heads were battered beyond recognition, arms and legs broken and severed." (Serbian American Media Center, Chicago)

27 August -- Bosnian Muslim forces killed at least 20 Serbians after ambushing a convoy of people fleeing the outskirts of Goradze on August 27. One of the survivors, a 64-year-old Serbian who lost his left leg after he was wounded in the ambush, told a correspondent that about 15-20 Muslim guerrillas had opened fire with automatic weapons beside the road just north of Kukavice. One witness, who lost his 11-year-old son during the ambush, claimed as many as 300 people were killed on the road. (The New York Times, The Daily Telegraph)

July-August -- A 21-year-old man reported he had witnessed the killing of 35-Year-old Rizo Habibovic in the beginning of July at Omarska camp. Habibovic was kicked and pummeled with sticks and weapons for what seemed more than an hour by guards, two of whom had earlier worked with the witness at IMPRA meat factory. The victim appeared to be still breathing when he was brought back to the "machine hall" with his chest caved in. A doctor tried to help, but Habibovic quickly succumbed.

According to this witness, most of the killings at Omarska took place at night at the "machine hall." Men would leave the facility when their names were called out, ostensibly to participate in a prisoner exchange

program. Regularly, shots would be heard not long after they left. No one who was called out after 9:00 p.m. ever came back. He believed their real destination was a mass grave a stone's throw from the machine hall.

The man in charge of Omarska camp, according to several witnesses, was a colonel from the JNA. He had been stationed in the area long before the breakup of Yugoslavia, and was known to many in the population. He wore a white eagle on his cap; his authority over all the other soldiers in the camp was clearly apparent.

On August 3, the ICRC came to oversee the closing of the Omarska camp. Shortly before that time, some 1,250 inmates out of about 5,000 were transferred to Manjaca camp. (Department of State)

Mid-August -- An elderly Serbian farmer was arrested in the village of Idbar, near Konjic, on May 9. He reported that he was first taken to the police station in Konjic where he stayed for 21 days. He was then moved 6 kilometers away to Celebici, where he said that all the prisoners were Serbs and all the guards were Muslims. He said that beatings were carried out frequently by guards from outside the area. The prisoners, mostly young men, were beaten with wooden handles of farm tools or with metal rods.

He reported having witnessed 15-16 ethnic Serbs beaten so badly that they died. The witness was able to identify the camp commander and the most vicious of the guards. He was released from Celebici on August 20 with all prisoners over the age of 60. (Department of State)

24 July -- Three male Bosnian Muslims witnessed and survived a mass slaughter at Keraterm camp on July 24, when guards opened fire with automatic rifles on a room packed with prisoners. About 150 men were killed or wounded in this one incident. According to these witnesses:

-- They were locked along with 200-300 men into a single room estimated to be about 80 square meters in size, with a small alcove in the right rear corner. The room had a single window high up in the front wall above a large sheet-metal "garage-type" door with a smaller opening in it.

-- Prisoners received little water or food. The temperature in the room was stifling, the conditions nearly unbearable.

-- On July 24, the prisoners in the room were given some water, but in the words of one of the witnesses, "they put something in the water" and the men "became crazy." Then something was shot through the window which produced smoke and gas. The prisoners began screaming and pounding on the doors; some began to hallucinate and fight each other. Others managed to force a hole in the sheet metal of a door and started to escape the room, but were then killed by guards standing outside.

-- After the disturbance in the room had gone on for some time, the soldiers opened fire with large machine guns. The bullets came right through the sheet metal doors. Those near the door were killed first. One of the witnesses survived because he had been in the back alcove and out of direct line of fire. Another survived when the body of another prisoner fell on him. An estimated 150 men were killed or wounded.

-- On the following day, July 25, soldiers came into the room and chose about 20 of the surviving prisoners, took them outside, lined them up against an outside wall of the room, and shot them. (Department of State)

Another Bosnian Muslim from the Prijedor region, interviewed separately, also witnessed the July 24 massacre at Keraterm-camp. He said that prisoners were kept in four rooms. He was in room two. Room three was where prisoners were most severely tortured and where the massacre occurred. From a window in room two, he witnessed the changes of the guards and automatic rifle fire.

On July 25, guards chose two prisoners each from rooms one and two to remove the dead. These prisoners counted 99 dead and 42 wounded. They were ordered to put the wounded on the same truck as the dead. The truck was labeled Prijedor Autotransport. Neither the wounded nor the driver were seen again.

Another witness believes the bodies were buried in the village of Tomarsica, near Omarska, in an area called Depunija. The witness's uncle watched a truck unload many bodies into a very deep pit and cover them with a large layer of dirt. A few days later, the uncle saw trucks dump animal corpses into the same pit. Another layer of soil was put on top of the animal corpses. (Department of State)

20 June -- A 69-year-old Muslim farmer from the Village of Kamicani was detained by Serbian forces in June, interned briefly at Trnopolje camp and around June 20, transferred to Omarska camp. When he arrived at Omarska, guards searched his pockets, confiscating DM 300, and ordered him to find his son.

When the witness found and identified his son, an irregular Serbian soldier who was a former policeman known to the witness took the son into a garage and ordered him to lie down. The irregular began to beat the son in his father's presence. Later, another prisoner told the witness that the irregular had killed his son and that he himself had loaded the son's body onto a truck with many other corpses. The bodies were taken to a nearby mineshaft and there covered over by a bulldozer.

According to this witness, this same former policeman also had murdered Jasko Hrnica and another person whose last name was Hrnjak. The witness said that the policeman had a gang at Omarska, of which he named three members. (Department of State)

May 26-August 6 -- A 30-year-old Muslim was imprisoned for over nine weeks at Omarska camp. He had been apprehended by Serbian forces in Prijedor on May 26. His duty was to help transport the bodies of dead prisoners; he helped transport or bury 10-20 persons each day. He estimates having carried 700-800 bodies during his imprisonment and commented that those killed for personal revenge typically were decapitated. The witness lost some relatives during the killings and reported having seen the following:

-- "Guards threw prisoners into large bonfires; as they tried to escape, guards shot them in the back."

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-- "Guards would periodically round up some of the more highly educated and take them to the 'white house,' from which no one emerged alive."

He also witnessed guards beating, torturing, or murdering prisoners. Nine of the guards are known to him. (Department of State)

May-August -- A 40-year-old Muslim from Prijedor, who was interned in Omarska camp from May 30 to August 3, described the final ordeal of a Muslim named Emir Karabasic. Emir, who had been tortured regularly, one day returned to the sleeping room with his back severely burned by a guard. Two days later, two Serbian brothers were let into the camp after 5:00 p.m. They had often visited the camp at night.

These brothers entered the sleeping quarters carrying pistols and automatic rifles. They called for Emir, Jasmin, and Alic to come forward. The three were beaten with rifle butts and police batons in full view of the other prisoners, including this witness. The brothers forced Alic first to drink a glass of motor oil and then to drink the urine of the other two prisoners.

Alic was next beaten until he was unconscious and then revived with cold water. After further beatings, Alic was forced to take his pants off. The brothers then forced Emir and Jasmin to bite off Alic's testicles. Alic died of his wounds that night. According to the witness, these crimes were committed on the shift of the shift leader under whom the most heinous tortures and beatings occurred. (Department of State)

May-June -- About 3,000 men, women, and children were killed during May and June at the Luka-Brcko camp, which held approximately 1,000 civilian internees at any one time. Some 95 percent were ethnic Muslims and the remainder were Croats. Approximately 95 percent were men. Until May the bodies were dumped into the Sava River. Thereafter, they were transported to and burned in both the old and the new "kafilerija" factories located in the vicinity of Brcko.

All internees in the camp came from within a 14 kilometer radius of Brcko. The first hangar was occupied by Muslims from Brezovo Polje. The Serbian police appeared to have administrative control of the camp.

Upon arrival, all internees were questioned by one of three inspectors who decided their fate, for example, if a person was a member of the SDA or HDZ political parties, he was executed at the camp. Other questions included whether the person had foreign currency, gold, or weapons, or if a neighbor might have any of these items. Without a signature from either the police chief at the camp, or one of the military officers, a person could not be released.

Approximately 1,000 people were released from the camp when Serbs vouched with their lives (and signed documents to that effect) that the internees would not leave Brcko, discuss politics, or own weapons. These people were all released within a 48-hour period; thereafter, releases were not authorized.

One example was an individual who had his ears cut off with a knife by a Specijalci soldier. As he grabbed for his ears in pain, a young woman cut

off his genitalia with an instrument called a "spoon." As he fell forward and lay on the ground, he was shot in the head by a guard in other instances, ears and noses were cut off and eyes gouged out. Knives were used to cut into the skin of internees all the way to the bone; some fingers were cut off entirely. All was done in front of other internees. Beatings with clubs were common. A Specijalci soldier used a wooden club with metal protruding from it to kill several people. He forced internees to lick the blood from the metal studs. Another shot an individual in the back several times after he had carried a dead body behind the third hangar in June, some 50-60 men had their genitalia removed.

Approximately 10-15 Chetniks, Yugoslav Federal Specijalci, and Serbian police were involved during the daily occurrences, but some participated on a more regular basis. Some were drunk. Internees were told to sing. Those who did not sing loud enough were shot point blank. After they had started singing, the men would come in and randomly start shooting. About 50 men, women, and children were killed in one case, allegedly in retaliation for the death of 12 Chetniks who had been killed on the front. This type of shooting occurred on a daily basis with anywhere from 15 to 50 victims.

There was also a torture room at the Luka-Brcko camp. Those tortured were either killed immediately after being tortured or were left to bleed and, if they did not die in two to four days on their own, shot to death. They were left lying in their own blood in the living areas and other internees were not allowed to help in any way. People were beaten with clubs to the point that the bones in their faces caved in, and they died.

The internees were then "volunteered" by camp personnel to carry the dead bodies behind their living area or to the camp garbage dump. During the movement of the bodies, additional internees were killed when a camp official took shots at them.

Another frequent occurrence was the shooting of internees with three bullets in the back of the head of each victim. This was done at a drain and the blood was allowed to go down the drain that emptied into the Sava River. Internees carried victims, some still alive, and had to dump their bodies at the camp garbage dump. Internees were sent on a detail to clean the blood from the floor and dump dead bodies outside of a Serbian building in Brcko.

A female internee was sexually assaulted by a soldier while her husband and other internees watched. One Chetnik sexually assaulted several women, some as young as 12, in front of internees as Specijalci soldiers held the women to the ground. The same man killed 80-100 people at the camp. Another Chetnik sexually assaulted women and killed internees, in some cases using an axe to the head.

The dead bodies of internees from the Brcko camp were burned at the old "kafiljerijah" factory. The trucks carrying bodies drove into a building that had three industrial-sized cooking vats with furnaces used ordinarily to make animal feed. The bodies were dumped inside the building with the three furnaces, then Chetniks dumped the dead bodies into the furnaces. Before the bodies were dumped, jewelry was removed from them and, in order to remove rings, fingers were cut off. Gold and silver teeth were removed

from the bodies as well. Chetniks kicked the jaws of the corpses open to see if they had gold or silver fillings and, if so, removed them with pliers.

The transporting of the bodies to be burned began in mid-May. Trucks left every morning at about 4:00 a.m. on a typical morning, three trucks left together. One was a civilian refrigerator truck with the dead bodies and three Chetniks in the cabin, the second had 10-12 internees who unloaded the bodies at the factory, and the third had approximately 13 Chetnik guards.

After they arrived at the factory and had begun unloading bodies, two or three more refrigerator trucks often arrived with approximately 20 dead bodies transported in each vehicle, perhaps from another location. All the trucks were Yugoslavian-made civilian trucks. (Department of State)

24-26 May -- Statements by Muslim refugees, western aid officials and diplomats, and Serbian police described the May 24-26 "ethnic cleansing" of Kozarac by Bosnian Serb forces.

"They were pulling out private entrepreneurs and educated people, anyone who could ever organize any Muslim life in Kozarac again," said a 42-year-old Kozarac resident.

A 60-year-old resident said some of the men had been shot on the spot and others taken into a house or a bus shelter where their throats were slit. Still others had been killed as they were put on buses destined for the Omarska, Keraterm, and Trnopolje camps. (The Washington Post)

23 May -- Two brothers, a 17-year-old trade school student and a 28-year-old, described how Serb armored units surrounded their village of Rakovcani on May 23 or 25 and marched them to Prijedor, then transported them to the Serb-run Omarska camp.

The brothers were reluctant to estimate how many killings they had personally observed that first week, but suggested it was about 50. They saw five of their fellow prisoners stabbed in the face and cut across the throat until their heads were virtually severed. Others had the Serbian (Orthodox) cross carved into their chests or arms. There seemed to be no pattern or particular motive for these attacks or the execution style shootings that were taking place inside the facility. As far as they could determine, the victims were not being interrogated; the violence appeared totally random.

At the beginning of June, the brothers were moved to a nearby hall housing many of the machines used for the facility's iron extraction operation. For the remaining two-and-a-half months of their captivity, they were forced to run a gauntlet to a "dining" hall in another part of the camp in order to get their one daily meal of soup and a piece of bread. Each time they did so they were beaten and kicked. Anyone who fell was killed. (Department of State)

21 May -- A former employee of the Zvornik medical center reported that he was required to remain on duty in the center from April 8 until his dismissal on May 26. He said that the need for more hospital space for

wounded Serbian soldiers eventually led to the mass murder of Muslim patients on May 21. At about 1:00 p.m. that day, he watched as 36 remaining Muslim adult patients were forced outside and shot to death on hospital grounds.

Shortly thereafter, uniformed and non-uniformed Serbian soldiers moved through the pediatric center breaking the necks and bones of the 27 remaining Muslim children, the only children left as patients in the hospital. Two soldiers forced him to watch for about 15 minutes, during which time about 10 or 15 of the children were slaughtered. Some were infants. The oldest were about five years old.

The witness said that a Serbian surgeon, who also stood by helplessly, later went insane. (Department of State)

November 91 -- International observers on November 20, 1991, monitored the evacuation of about 420 Croatian patients and 25 hospital staff of the Vukovar hospital in Croatia. A JNA army colonel selected young, lightly-wounded hospitalized soldiers to get on three buses. Each bus had about 60 men aboard, for a total of about 180 men.

Two witnesses -- both among the "selected" -- described how the buses were taken first to JNA barracks for two or three hours, then taken to Mvcar, where the prisoners were offloaded and taken to a farming equipment storage building. Paramilitary soldiers beat the prisoners at this location with fists, iron bars, and batons as officers watched. Apparently, two men died there from the beatings they received.

At about 5:00 p.m. on November 20, after it was quite dark, the men were divided into groups of about 20 men, taken outside the barn, and put on a truck. The truck returned empty about every 15 minutes. The truck drove about three kilometers southeast of Ovcar towards Grabovo, and turned left onto a dirt road. Knowing that this road led to an extremely isolated area, one of the witnesses jumped from the truck and eventually lived to give this account.

A member of the team working with UNHRC Special Rapporteur Mazowiecki discovered evidence on October 18-19, 1992, of a mass grave in the area from which this witness had escaped. The Croatian government claims that 174 people -- believed to be buried in this mass grave -- have never been found. The team member found skeletons of young adult males in an area of recently disturbed earth and a skull with a gunshot wound exiting from the left temple. (Department of State)

#### TORTURE OF PRISONERS

27 August-16 September -- Four of seven survivors of the August 21 mass murder at Vlasica (reported to the United Nations in an earlier submission) testified that 18 Muslim male "patients" were interned in the Paprikovac optical Hospital on the outskirts of Banja Luka. At the time, this hospital was being used as a military hospital by Bosnian Serbian forces in the region.

The four subjects had been found wandering separately in the woods several days after the mass murder at Vlasica. Turned over to Serbian military

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forces, each was brought to Banja Luka where they spent August 24-27 in the surgical hospital before being transferred to the optical hospital across town. All four remained in the optical hospital until September 16.

At the optical hospital, the four subjects were in room 11, on the fourth floor of the hospital, with six other Muslims. Their door was always locked. The hallway wall of their room was made of translucent glass permitting the guard stationed outside to see inside. Nightly, wounded Serbian soldiers from elsewhere in the hospital, as well as guards, beat them with cable wires and police batons. Each of the four subjects was beaten every day. There were two other rooms accommodating four Muslims each.

The prisoners received a slice of bread a day, with some broth. They were given almost no pure water to drink, but they were forced to drink urine regularly. All four had hospital discharge papers that claimed they had been treated for internal injuries and chronic heart diseases. The prisoners, however, said they had never even received so much as an aspirin. (Department of State)

August-September -- A fifth survivor of the incident described above, a 16-year-old Muslim student who had been among the several hundred men taken from Trnopolje camp on August 21 on a convoy to Vlasica Mountain, also survived the mass murder of several hundred prisoners.

An elderly Serbian man found the youth unconscious some nine days later at the edge of the village of Vlasica. Two Serbian soldiers took him to the school in the village where they interrogated and beat him. He was then sent to the Paprikovac hospital in Banja Luka, ostensibly to have a broken finger and bruised back examined.

The 16-year-old, on being checked into the "hospital," was beaten 20 times on his kidneys by the military police in attendance. During his month in Paprikovac "hospital," he was fed one slice of bread each day, was rarely given pure water to drink, and dropped in weight from 68 to only 50 kilograms. Every morning and evening, the guards forced the prisoners to drink a glass of urine.

The youth was able to identify the military commander of the hospital. (Department of State)

21 July -- A 42-year-old Bosnian Muslim, married to a Serb, was arrested in his apartment in Prijedor on July 21. Civilian police took him in a police car to Omarska, where at the gate to the camp, guards began to beat him. During the beating, one of the guards said, "Don't forget, his wife is a Serb." The prisoner hoped this would cause the guards to go easier on him. Instead, they beat him more violently. Three soldiers beat him for about 10 minutes.

The prisoner was then taken to Omarska's "white house." There the guards began beating him and other prisoners, forcing them to lie on the floor and stomping on them with their jackboots. After two days without any food, he was taken for "interrogation."

He was led to a room in what he thought had been the administration

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building of the Omarska facility before the war. There were five guards in the room. He was told to kneel on the floor. The guards then circled him, beating him with metal bars and police batons. Twice he lost consciousness and collapsed on the floor. Each time the guards doused him with water, revived him, and continued to beat him.

After two or three more days of beatings he was transferred from the smaller room in the white house to a larger hall full of prisoners. For five days he was unable to walk and had to lie next to the sinks that were used as toilets. During his 12 days at Omarska, this prisoner received food only once. (Department of State)

26 May-6 August -- A 30-year-old Muslim was imprisoned for over nine weeks at Omarska camp. He had been apprehended by Serbian forces in Prijedor on May 26. The witness reported having seen the following:

-- "Guards frequently beat people with thick electrical cables, often so badly that they could not stand afterward; in administering these beatings, guards would hit prisoners in specific places on their bodies, often the kidneys, in an effort to rupture important internal organs."

-- "Prisoners were forced to run across broken glass in their bare feet; when they fell, guards would beat them with nightsticks and iron bars."

-- "As a punishment administered in front of a group of prisoners, a guard cut off the testicles of a prisoner with a knife; one prisoner was forced, under threat of being executed, to bite off the testicles of another prisoner with his teeth."

-- "The only water that prisoners had to drink was from a river contaminated by discharges from an iron mine; the water was yellow, the prisoners' urine ran red." (Department of State)

12 May-18 August -- A 59-year-old retired Serbian was arrested by Croat authorities on May 12 in Mostar along with his son. No reason was given except that they were Serbs. Held at a detention center in Mostar, they were forced to do hard labor, building bunkers and other defensive structures at the airport. Those who could not work or stopped working to rest repeatedly were beaten around the head and kidneys with nightsticks. (Department of State)

May-June -- The Luka-Bracko camp at any one time held about 1,000 civilians, predominately Muslim internees. At one point, approximately 50 percent of the internees had crosses engraved into their foreheads with knives by Chetniks who gave them Orthodox names such as Alexander. The internees were required to say "I am Alexander." One internee agreed to say "I am Alexander" only after three to four days of beatings. He was convinced by fellow internees that it was better to say it than to die. This did not happen to Croats, only Muslims.

Also a daily occurrence, a police commander, and other camp personnel came into the hangar with Raki (an alcoholic beverage) and tartan (white pills). An internee had his mouth opened and the police commander forced the Raki and pills into his throat. The police then told the internee to beat with a club everyone in the hangar. He obeyed, and for one to two

hours beat up his fellow internees in the third hangar until they passed out.

Internees lived in one of three hangars -- the first, 20 by 28 meters in size, housed 650-700 men; the second, 20 by 40 meters, housed 120-180 men; and the third, 20 by 40 meters, housed approximately 300 men, women, and children. Many killings and tortures occurred in front of internees in the third hangar. There was also one more area where women and children were kept. The second and third hangars were connected by a large door through which people could see each other.

Internees in the first hanger slept standing up because of the limited space. In the other two hangars they were allowed to sit, but legs had to remain straight on the ground; all internees had to remain along the wall, and the center area had to be left empty. They were allowed to go to the toilet once a day for no longer than a minute. The toilet was located in another building in many instances, approximately five 10-liter buckets were placed in each of the hangars and used as toilets. The conditions at the camp were so bad that some of the internees went crazy. One man rammed his face into a wall, causing it to bleed.

In June, goats were placed in the hangars and lived with the internees. The stench inside the hangars was a combination of goats, human excrement, and dead internees placed behind the third hangar. Blood was ankle deep in the area where the bodies were placed.

The internees initially each received 50 grams of bread and approximately 0-15 liters of thin bean soup each day. Later, every 10 persons received 800 grams of bread per day and every two people shared a 0.16-liter portion of bean porridge once a week. The porridge was always spoiled. Still later, 10-12 people shared 800 grams of bread every four days. (Department of State)

Late May -- A 32-year-old Muslim said Serbian irregular forces had entered his village of Donji Garevci in late May 1992 and rounded up all the Muslim men for incarceration. The group was marched to Trnopolje, then bused to Omarska camp. When they arrived at Omarska, they found that the camp was "full," and the group was taken by buses to a converted ceramic tile factory called Keraterm, in Prijedor. Guards at Keraterm formed the prisoners into three groups and administered a beating, from which the witness still had a lump on his skull in October. The healthiest-looking were beaten most severely.

The men were, herded into an airless room about 20 x 25 feet. The room held over 200 people. The witness, detained there for 29 days, received one meal a day -- usually a few beans and two small slices of stale bread -- and lost 17 kilograms during this period.

The witness saw and was forced to participate in sadistic brutality. Guards would force the prisoners to run in a circle and kick the person in front of them in the kidneys. Every evening, irregulars came to the room and called out names from a list. These persons were taken to another room and beaten severely. To revive the prisoners from these beatings, guards would urinate on their heads or turn a fire hose on them. The witness was able to identify several of the guards. (Department of State)

Early-May -- A witness described conditions at the five detention centers in Bosanski Samac. The prisoners were Croats, Muslims, and Albanians. According to this personal account, nearly everyone -- including women and elderly men -- suffered beatings and other forms of torture.

"The beatings were at the beginning done by special forces. Later the job was taken over by policemen who guarded us. They were local Serbs who carried out their jobs far more brutally than the special units men. They beat us with iron bars, wooden 2x4s and truncheons, iron and rubber devices."

The witness reported being prevented from drinking water and from going to the toilet. Prisoners were forced to eat sand, swallow their own feces, and perform sex acts on fellow prisoners. (New York Newsday)

#### ABUSE OF CIVILIANS IN DETENTION CENTERS

Sept -- At least 150 Muslim women and teen-age girls -- some as young as 14 -- who have crossed into Bosnian government-held areas of Sarajevo in recent weeks are in advanced stages of pregnancy, reportedly after being raped by Serbian nationalist fighters and after being imprisoned for months afterward in an attempt to keep them from terminating their pregnancies.

"When we let you go home you'll have to give birth to a Chetnik," Serb fighters supposedly repeated to some of the women. "We won't let you go while you can have an abortion. A 15-year-old Muslim girl told the BOC on October 1 that she had been seized by Serbian fighters in May in the Serb-held Sarajevo district of Grbavica. She said she had been held in a small room with about 20 other girls where they were ordered to undress.

"We refused, then they beat us and tore our clothes off. They pushed us on the floor. Two of the men held me down while two others raped me. I shouted at them and tried to fight back but it was no use. As they raped me they said they'd make sure I gave birth to a Serbian boy, and they kept repeating that during the rest of the time that they kept me there."

Most of these charges were made by women and girls who said they were attacked in April and May in towns and villages in eastern Bosnia. (NEW YORK TIMES)

May-Aug -- A 41-year-old Croatian female from Kozarac, a 40-year-old Muslim male from Prijedor, and a 39-year-old Muslim male were interned for approximately three-month periods at Omarska camp. All three subjects claim to have witnessed severe beatings, sexual torture, mutilation, and killing in part because they had spent such long periods in the camp. They were able to identify what they believed to be virtually the entire personnel structure of Omarska camp.

Omarska was one of four very large camps in the Prijedor area. It was an aluminum mine before the conflict. The other three camps are Keraterm, Trnopolje, and Manjaca. Civilians were interned at all four camps, while most alleged POWs were sent to Manjaca. Many detainees described Omarska as the worst of the four.

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Omarska camp was commanded by a retiree from Prijedor. His administrative deputy was a middle-age woman who kept the camp records, i.e., the payroll ledger of the guards and officers, the guard shift schedule, etc. The commander of security at Omarska (Obezbjedjenje) was a 29-year-old inspector in the Bosnian Serbian police before the war. He came from the village of Petrov Gaj, near Prijedor. Because of his position and the amount of time he spent at the camp, many internees concluded, incorrectly, that he was the overall commander at Omarska. In late May, his deputy was a 30-year-old Serb from the nearby village of Lamovita who had Muslim brothers-in-law whom he tried to hide in his house. When this was discovered, he was replaced. This change of deputies occurred in late June.

Omarska camp had three regular guard teams. The teams worked 12-hour shifts, from 7:00 a.m. to 7:00 p.m. They rotated consecutively. The three shift leaders were named and identified.

A 40-year-old policeman from Lamovita was identified as the most brutal of the shift leaders. The most heinous tortures and beatings, and the largest number of deaths, took place during his shifts. A middle-aged waiter who used to work at the Hotel Europa in Omarska before the war was identified as a generally less brutal shift leader. A man in his thirties from the village of Maricki, who was in the police reserve and had worked in the Omarska mine before the war, was identified as less brutal than the former shift leaders. Each shift team was comprised of 15-20 guards.

Omarska had various inspectors who regularly interrogated the prisoners. Six of them were named. At least two of the three witnesses personally identified and named 39 Omarska guards.

The female witness said 38 women in the camp slept near the commander's headquarters, in rooms 102 and 103. As they tried to sleep, the women heard screams of prisoners being tortured next door, in the "interrogation" room. Each morning the women were awakened at 6:00 a.m. and two were chosen randomly to clean the "interrogation" room, which was covered with fresh blood each morning. The women were always hidden from journalists.

Omarska had two buildings used exclusively as torture centers, the white house" and the "red house." Some people returned from the white house, but no one sent to the red house ever came back. Educated Internees tended to be sent to the red house.

All three witnesses as well as other detainees from Omarska said that each day 10 to 15 new corpses lay in the field next to one of the "dormitories." These corpses, as well as others, were driven away by small trucks. The trucks often had blood stains all over them. These witnesses were able to identify at least six of the drivers. (Department of State)

14-15 Jun -- A 32-year-old Muslim auto mechanic was arrested in Hrncici, near Trnopolje, on June 14 and was locked up at Trnopolje camp with 10 others in what was called the "shock room." He spent 24 hours locked in this room on June 14 and 15 with no food, water, or toilet.

Through a window, the detainee saw prison guards bring 12-15 teen-age

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girls to the camp. The girls struggled to get away from the guards, but none escaped. The girls were forced to enter a building across from his cell. That evening, through the window, he saw a guard rape a young girl next to the Red Cross building at the camp. The witness was able to identify this guard, considered one of the cruelest guards at Trnopolje. (Department of State)

May -- One of the victims of an earlier reported rape of 40 young women from Brezovo Polje told a reporter in late August that her Serbian abductor had told her:

"We have orders to rape the girls. I am ashamed to be a Serb. Everything that is going on is a war crime." (New York Newsday)

#### DELIBERATE ATTACKS ON NON-COMBATANTS

-- By October, five members of the UPPROFOR contingent in Sarajevo had been killed by combatants. In one incident, two French soldiers were killed by fire from Bosnian government forces, which were engaged in a fire fight with Bosnian Serbian forces after a local cease-fire negotiated by UNPROFOR broke down. (Department of State)

13 Aug -- American ABC television producer David Raplan was killed on August 13 by a sniper while traveling in a motorcade in Sarajevo with Prime Minister Milan Panic. He was hit in the back and died at United Nations headquarters in Sarajevo. (New York Times) (Department of State)

Jul -- A CNN camera woman was shot and severely wounded in July by sniper fire in Sarajevo. She is recovering after several operations at the Mayo Clinic in Rochester, Minnesota. (New York Times)

18 May -- An ICRC convoy carrying food and medical relief on May 18 was attacked as it entered Sarajevo, despite the security guarantees obtained from the parties concerned. Three ICRC staff members were wounded and one of them, Frederic Mauzice, died the next day in Sarajevo hospital. (ICRC Bulletin No. 197)

Apr -- A Belgian member of the EC monitoring mission was killed south of Mostar in April, apparently in an attack by SDS forces. (Department of State)

#### OTHER, INCLUDING MASS FORCIBLE EXPULSION AND DEPORTATION OF CIVILIANS

NOTE: Given the massive scale of forced exoduses from various regions in the former Yugoslavia, the episodes below were selected only to give an indication of how people have been forced from their homes.

2 Nov -- A huge column of 15,000-30,000 Bosnians -- mostly Muslims, thousands on foot -- fled from Serbian assaults on Jajce and three-way fighting between Serb, Croat, and Bosnian government forces in the area. (Department of State)

25 Oct -- Stores and restaurants were still burning in Prozor on October 29 following a Croatian offensive, in an apparent attempt to overtake western Bosnia-Herzegovina.

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"Come on boys, lets get the filthy Muslims!" shouted Croatian fighters through megaphones.

Croatian Mayor Jozic estimated that six Muslims died and 61 were wounded during the attack, but sources in Sarajevo estimated that at least 300 Muslims were killed or wounded. (New York Times)

17 Oct -- About 1,500 persons from several Croatian and Muslim towns around the city of Kotor Varos, near Banja Luka, surrendered after having been under Serbian attack for two weeks and left in an organized evacuation for Travnik. During the night convoy, uncontrolled Serbian militia robbed passengers as international escort volunteers looked on, helpless to prevent it. (Department of State)

26 May -- Statements by Muslim refugees, Western aid officials and diplomats, and Serbian Police described the May 24-26 "ethnic cleansing" of Kozarac by Bosnian Serb forces.

"Muslims get out! Muslims get out!" shouted Serbs during 37 hours of shelling the city. "Surrender and everyone will be safe!" (The Washington Post)

23 May -- Two brothers -- a 17-year-old trade school student and a 28-year-old -- described how Serb armored units surrounded their village of Rakovcani on May 23 or 25 and marched its mostly Muslim inhabitants about 5 kilometers to a soccer stadium in Prijedor. Some 800 Serbs were allowed to remain in the village. After nearly a day at the stadium, they were transported with thousands of men by buses and trucks to the Omarska camp. (Department of State)

(end text)

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## DOCUMENT 12

MASSIVE HUMAN RIGHTS VIOLATIONS IN FORMER YUGOSLAVIA  
(Excerpts: Report to United Nations) (4060)

Washington -- Following are excerpts of a report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, special rapporteur of the United Nations Commission on Human Rights:

(Begin Excerpts)

1. Grave and massive violations of human rights continue to occur in the territory of the former Yugoslavia. The military conflict in Bosnia and Hercegovina, which is aimed at achieving "ethnic cleansing," remains a matter of particular and most urgent concern. Consequently, and in accordance with resolution 1992/S-1/1 of the Commission on Human Rights, the Special Rapporteur has decided to prepare the present periodic report in order to draw the attention of the Commission on Human Rights, as well as the Security Council, the United Nations High Commissioner for Refugees and all Governments and concerned international organizations, to the most compelling problems associated with the policy of ethnic cleansing. A more comprehensive report containing the findings to which reference is made in this report and a further analysis of the situation prevailing in the former Yugoslavia will be submitted to the General Assembly at its present session.

2. The Special Rapporteur carried out a second mission to the territory of the former Yugoslavia during the period 12-22 October 1992. The testimony he received confirms that serious and widespread human rights violations continue to occur. The second mission included visits to different areas in Bosnia and Hercegovina, Croatia and Serbia including Kosovo, Vojvodina and Sandjak. Special attention was given to prisons and refugee centers. The Special Rapporteur interviewed victims of human rights violations and received material which describe, in detail, the extent of these violations. The program of the mission is attached as annex I to this report.

3. At the invitation of the Special Rapporteur, the following Special Rapporteurs, Representatives, and Experts took part in the mission: Mr. Bacro Ndiaye, Special Rapporteur on extrajudicial, summary or arbitrary executions; Mr. Peter Kooijmans, Special Rapporteur on the question of torture; Mr. Louis Joinet, Chairman of the Working Group on Arbitrary Detention; Mr. Francis Deng, Representative of the Secretary-General on internally displaced persons. In this way it was possible during the mission to operate in parallel groups and visit more places of concern. Two medical and forensic experts, Dr. Clyde Snow and Dr. Jack Geiger, also took part in the mission, along with substantive staff from the United Nations Center for Human Rights, as well as United Nations interpreters.

4. The local authorities permitted the Special Rapporteur to visit freely different places of interest during his mission, with the exception of one occasion when members of the mission were not allowed entrance to the Serbian-controlled territory in the Bosanski Novi-Prijedor region.

5. As a result of this mission the Special Rapporteur wishes to strongly emphasize that, since his first visit in August 1992, widespread and serious human rights violations continue to be committed in Bosnia and Hercegovina and in certain respects have intensified. These violations are being perpetuated at the very time the parties are entering into commitments at the negotiating table at Geneva. As a result of these violations a great number of people are suffering and have lost their lives. Thousands more find their lives threatened and their human dignity violated. Unless immediate action is taken, many of them will not survive the forthcoming winter. As indicated in the first report, the Muslim population are the principal victims and are virtually threatened with extermination.

6. The Special Rapporteur shares the view of other observers that the principal objective of the military conflict in Bosnia and Hercegovina is the establishment of ethnically-homogeneous regions. Ethnic cleansing does not appear to be the consequence of the war but rather its goal. This goal, to a large extent, has already been achieved through killings, beatings, rape, destruction of houses and threats. Such practices have intensified in recent weeks and there is less and less resistance on the part of the non-Serbian population, increasing numbers of whom are ready to abandon everything and to flee their homeland. Recent events observed in the region of Prijedor, Doboi and Kotor Varos prove that Serbian leaders in Bosnia and Hercegovina are not ready to desist in their plans. The Muslim and Croatia populations, in the territory controlled by Serbian authorities, live under enormous pressure and terror. Hundreds of thousands of people are being forced to leave their homes and to abandon their belongings in order to save their lives.

7. During his mission the Special Rapporteur learned of two instances of resistance to this policy -- both unsuccessful. The inhabitants of the Muslim village of Mahovliani sought to avoid forced displacement by demonstrating their loyalty to the local Serbian authorities, including the surrendering of weapons and the acceptance of military service when called. Despite this, they are under constant attacks by "unknown perpetrators." The inhabitants of Vesici, in the Kotor Varos region, opted for armed resistance. The Special Rapporteur intervened personally with Mr. R. Karadzic, leader of the Serbs of Bosnia, in an effort to prevent the massacre of the estimated 70 families living in Vesici.

8. A very dramatic situation was observed in the region of Travnik, where a great number of displaced Muslims live in extremely difficult conditions. The city of Travnik, with a population of 19,000, has had to accommodate more than 14,000 displaced persons. Many of them told the Special Rapporteur that both local authorities and an "emigration agency" in Banja Luka organized their displacement, and that some of them had paid a fee of up to 300 deutsch marks per person to leave for a Muslim-controlled territory. They were driven towards the front line, but were obliged to leave the bus several kilometers before reaching it and to cross the combat zone as best they could. En route they were repeatedly beaten, robbed, subjected to various forms of harassment, and in some cases raped or shot.

9. The continued fighting in the region of Travnik is threatening the safety of these persons and is endangering the delivery of humanitarian aid. The Special Rapporteur travelled on what was then the only usable road from Split, on the Croatian coast, to Travnik and Zenica in Central Bosnia, which has become known as the "Salvation Road." This road is extremely narrow, mountainous and dangerous, and will be impassable with the first snow. Those who drive humanitarian convoys along this road deserve admiration and respect.
10. The Special Rapporteur was particularly shocked by the conditions in Trnopolje camp, where persons hoping to flee ethnic cleansing by Serbs have gathered. More than 3,000 people were cramped into three buildings and a few small houses, where they live in unspeakable squalor, sleeping on thin blankets and lice-infested straw, drinking contaminated water and surviving on minimum rations of bread. Some of these persons have remained in this camp for more than four months. The physician accompanying the Special Rapporteur stated that upper respiratory infection was spreading like wildfire. Children and adults were suffering from diarrhea, presumably from contaminated water and a near-total absence of sanitation. There are diabetics without insulin, heart patients without digitalis, and persons suffering from hypertension without medication.
11. Trnopolje was described by the local authorities as an open camp. However, conditions in the surrounding areas where virtually all houses belonging to Muslims and Croats were destroyed are such that these prisoners could only move at great risk for their lives. Even within the camp they feel threatened by the militia guarding the camp.
12. Similarly appalling conditions are believed to be found also in a number of other smaller centers throughout Bosnia and Hercegovina. According to the medical expert, a public health disaster that will dwarf the number of victims of mass executions and of the military conflict is already under way.
13. The majority of the displaced persons can only save their lives by seeking refuge outside the borders of Bosnia and Hercegovina. However, Croatia, which already has some 300,000 displaced citizens and 400,000 Bosnians, maintains that it is not in a position to receive more refugees, since the refugee centers and hospitals are overloaded. For that reason, UNPROFOR, which controls much of the border between Bosnia and Hercegovina and Croatia, is being forced to limit their entry into the United Nations Protected Areas (UNPAs). Many displaced Muslims have been turned away at the border and some of those persons who have already crossed it, including those of military age, are being sent back both by UNPROFOR and the Croatian authorities. It is extremely regrettable that UNPROFOR has been forced to violate the principle of non-refoulement. The Special Rapporteur intervened with representatives of the Croatian Government requesting that they avoid sending refugees eligible for military service back to Bosnia and Hercegovina.
14. Better conditions were found in refugee centers in Croatia and Serbia. The Special Rapporteur also found that displaced persons of Serbian origin are living in Banja Luka in much better conditions. During the meeting with the Special Rapporteur they reported to have been subjected to various forms of atrocities in their places of origin.

15. During his mission the Special Rapporteur devoted much attention to the problem of persons detained as a result of the conflict. Serbian prisoners interviewed in Mostar did not complain of ill-treatment on the part of prison staff. However, they complained that they are not permitted to walk in the prison grounds, nor see their spouses who are in the same prison. The Serbian prisoners in Zenica complained that, in the absence of the commander, some of them were beaten by the guards. In Tomislavgrad an elderly Serbian prisoner showed the Special Rapporteur the bruises left by a severe beating received several days earlier. In these cases the Special Rapporteur requested the competent authorities to fully respect and guarantee the rights of the detainees. A camp containing approximately 1,000 Muslim prisoners was visited in Satcovic, in north-eastern Bosnia. The prisoners did not complain of ill-treatment and, in general, appeared to be in good health. However, they sleep on straw bedding on the floor of a cavernous unheated stable, where living conditions will become intolerable as the cold weather arrives. The most common complaint of the majority of prisoners in all the prisons and camps that were visited is that they do not know the reasons for their (one word missing, probably 'confinement.')

16. During his meeting with Mr. Mate Boban, leader of the Croats of Hercegovina, the Special Rapporteur requested that he keep the commitment to free all prisoners made in previous negotiations at Geneva. Mr. Boban confirmed his willingness to free all detained persons except those accused of war crimes. The Special Rapporteur hopes that all sides will fulfil their obligations in this regard. There appears to be a risk that the notion of war crimes will be interpreted in an arbitrary manner. The Special Rapporteur believes that it would be necessary to ensure the presence of international observers during any legal proceedings.

17. During the visit to Sarajevo, representatives of religious communities, authorities and non-governmental organizations confirmed the opinion that Sarajevo was a "dying city." The population is desperate. Cases of people dying in the streets from hunger and exhaustion have been reported. They are losing confidence in the effectiveness of international assistance. As in other regions of Bosnia and Hercegovina, sacred sites are being attacked. The residence of the Muslim religious leader was hit by a rocket. The constant shelling of the city is terrorizing the population. The delivery of humanitarian aid is extremely difficult. However, only an immediate cease-fire can save the population of Sarajevo, as well as that of other besieged cities, from extermination. The extraordinary commitment of all those involved in humanitarian convoys and airlifts as well as the soldiers of UNPROFOR must be noted with gratitude.

18. During this visit to Croatia, and on the basis of the testimony of witnesses from Vukovar, Dr. C. Snow, a forensic anthropologist, located a site near Vukovar which appears to be a mass grave of victims of war crimes. A report prepared by Dr. Snow is attached as annex II to this report. After having received Dr. Snow's report, the Special Rapporteur asked the Commander of UNPROFOR to immediately place the site under surveillance, and requested the Secretary-General to provide permanent protection of the scene through UNPROFOR. Since information has been received of the existence of other mass graves in this and other areas,

the Special Rapporteur considers that the Secretary-General should, either directly or through his Representative to the London Conference, warn all the parties to the conflict in the former Yugoslavia of the seriousness of any interference with such graves or other evidence of war crimes.

19. In connection with the Security Council resolutions 771 (1992) and 780 (1992), which requests the Secretary-General to establish a Commission of Experts to examine and analyze information related to violations of humanitarian law, including war crimes, the Special Rapporteur believes that further investigations concerning the discovery in Vukovar should be carried out within the mandate of this Commission. In particular, there is an urgent need to establish a group of experts on forensic science and anthropology in order to conduct an in-depth examination of this site.

20. The Special Rapporteur considers the current situation in Kosovo to be dangerous. The local Serbian authorities accuse the ethnic Albanian leaders of organizing a boycott against Serbian authorities and institutions. The Albanian leaders, as well as representatives of the Muslim and Catholic communities in Kosovo, provided the Special Rapporteur with evidence of discrimination against ethnic Albanians and human rights violations in Kosovo. Shortly before his visit, police attacked a demonstration, which had been legally authorized, without warning. The Special Rapporteur on the question of torture received evidence of the brutal beating of several people during that incident. Discrimination in education and employment is dramatic. Ethnic Albanians have been almost entirely eliminated from public service, the administration of justice, and health care institutions. This discriminatory policy is also reflected in laws and in measures which have been taken with the aim of undermining Albanian culture. The continued deterioration of living conditions results in the emigration of the younger population from Kosovo.

21. There is hope that the initiative taken by the Prime Minister of the Federal Republic of Yugoslavia, Mr. Milan Panic, with a view to establishing a dialogue between Albanian and Serbs in Kosovo, may produce positive results. In a meeting with the Special Rapporteur, Mr. Panic expressed his desire to stop human rights violations and discrimination against Albanians. He also agreed to the suggestion of the Special Rapporteur that the media should not exacerbate tensions in the territory of the former Yugoslavia. The approach of Prime Minister Panic is, however, violently rejected by Serbian extremist groups. Such groups are also active in Kosovo. Although the prevailing attitude of most ethnic Albanian leaders at the present time is prudent and patient, there is also a potential for violence by radical Albanian groups. A large number of Yugoslav troops are stationed in Kosovo. Pristina, the regional capital, has the appearance of a city under martial law.

22. Whilst the Special Rapporteur was in Kosovo, the Representative of the Secretary-General on internally displaced persons visited Vojvodina. At present the information received indicates that the practices associated with ethnic cleansing are occurring with some regularity, although, thus far, on a much smaller scale than in Bosnia. Non-Serbs in Vojvodina have been purged from many public positions, including the police, (two illegible words) and the public administration. Some sources give the number of Croats and Hungarians who have fled as 90,000 while the number of refugees who have come to the region has been estimated at

150,000. Hungarians, Croats, Slovaks, Slovenians, Ukrainians and other minorities fear that the refugees may be settled permanently, confiscating the property of other ethnic groups and weakening their political and cultural autonomy. The economic difficulties posed by the influx of refugees, aggravated by the affects of the economic embargo and poor harvests, contribute to resentment against the largely Serbian refugee population. In general, the situation is tense and there appears to be a tangible risk of a substantial increase in violence during the winter months.

23. During the mission, the Special Rapporteur on extrajudicial, summary arbitrary executions visited Sandjak. It was found that the region, which is inhabited by a Muslim and Serbian population, is a potential place of conflict. Despite the apparent atmosphere of tolerance in Novi Pazar, the capital of this region, some incidents against members of the Muslim community have been reported. In the region bordering Bosnia and Hercegovina classical methods of ethnic cleansing are employed. Houses pertaining to Muslims have been burned and mosques destroyed by terrorist attacks in the cities of Pljevlja, Prijepolje and Priboj. The presence of various military and paramilitary groups in the area, due to the proximity of the conflict in Bosnia, has increased the sense of insecurity afflicting the Muslim population. An estimated 70,000 Muslims are reported to have left the region since the beginning of the conflict. While many Muslims and Serbs continue to live together peacefully in Sandjak, and while the local authorities also show signs of tolerance, an outburst of violence due to the attitudes of the military, the authorities of the Republic of Serbia or certain political leaders cannot be ruled out.

24. During this mission, the Special Rapporteur had numerous meetings with leaders of Islam, the Catholic and Orthodox Churches and the Jewish community. These meetings confirmed his conviction that, despite appearances, the present conflict is not a religious one. The Special Rapporteur believes that the religious communities can and should play an important role in overcoming the mutual hatred and in creating conditions for future coexistence. Consequently, the Special Rapporteur has proposed that the highest authorities of all the religious communities call for a common day of prayer for human dignity, human rights and peace. He is convinced that such an initiative would serve all the peoples of the region.

#### Conclusions

25. The Special Rapporteur reconfirms his recommendations as formulated in the first report. He would like, in the present report, to draw attention to the most urgent problems which require prompt action.

(a) The war-torn situation in which tens of thousands of people have found themselves requires emergency action by the international community. Safe havens abroad must be found for those whose lives are in acute danger (such as persons detained in camps or trapped in places like Trnopolje). The argument that providing refuge for such people is to conform to the policy of ethnic cleansing cannot override the imperative of saving their lives. Priority must be given to the protection of the right to life. Thus far, European countries have agreed to provide refuge to only a small percentage of those whose lives are at stake. In order to ensure that

providing refuge will not contribute to ethnic cleansing, it is essential to reaffirm and provide lasting protection for the right to return. The Special Rapporteur once again appeals to Governments to take urgent steps and to international public opinion to support these efforts. In this regard it is essential that prompt and adequate responses be given to the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in their efforts to find solutions for these most serious situations:

(b) A large number of displaced persons would not have to seek refuge abroad if their security could be guaranteed and if they could be provided with both sufficient food supplies and adequate medical care. In this context the concept of security zones within the territory of Bosnia and Hercegovina should be actively pursued. The Special Rapporteur urges Governments to bring pressure to bear on all parties to the conflict with a view to respecting the safety of the civilian population;

(c) Given the dramatic nature of the current situation, the Special Rapporteur calls for an increase in humanitarian assistance to all persons in the affected areas of Bosnia and Hercegovina and urges Governments to provide UNHCR with additional support;

(d) The Special Rapporteur also considers that the efforts aimed at opening humanitarian relief corridors to all besieged areas in Bosnia and Hercegovina should be given priority attention.

#### Annex II

#### STATEMENT BY DR. CLYDE SNOW

During the course of the mission, members of the delegation met with UNPROFOR Civilian Police (UNCIVPOL) who provided information on several mass graves in the Vukovar area, some of which contain victims of atrocities. On 18 and 19 October 1992, Dr. Clyde Snow, in his capacity as forensic expert, inspected a site located in an isolated wooded area about 2 km south-east of the farming village of Ovcara, near Vukovar. Scattered on the surface of a 10 x 30 m area of disturbed earth were the remains of young adult males bearing skeletal signs of perimortem trauma. In the opinion of the expert, these skeletons appear to be eroding out of a mass grave which may contain many more bodies.

This discovery is significant because it appears to confirm witness evidence bearing on the disappearance of about 175 patients from the Vukovar Hospital during the evacuation of Croatian patients from that facility on 20 November 1991. At that time, the hospital held several hundred civilian and military patients -- both Serb and Croat -- most of whom had been wounded in the heavy fighting in and around Vukovar during the preceding months. When the hospital was occupied by Serbian forces in mid-November, both sides agreed that the 420 Croatian patients should be evacuated to Croatian-held territory. According to this plan, the evacuation was to be monitored by representatives of the European Community Monitoring Mission and the International Committee of the Red Cross. Most of the patients -- primarily women, children and the elderly -- arrived safely in Croatia.

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However, according to statements made by witnesses, the lightly wounded civilian and military males were separated from the rest and boarded on Yugoslav National Army (JNA) buses near the hospital. The buses, each containing about 60 prisoners and two JNA guards, were driven to the JNA barracks in Vukovar at about 11.00. At 14.00 the buses proceeded to Ovcara where the captured were transferred to a large building used as a garage for farm equipment and vehicles. While moving from the buses to the building, they were (illegible word) with a variety of blunt instruments by JNA soldiers and Serbian paramilitaries. The beatings continued for several hours inside the building. At least two men were beaten to death.

It was further reported that at about 13.00 the prisoners were divided into groups of about 20 men. One by one, each group was loaded onto a truck and driven away. At intervals of about 15 to 20 minutes, this truck returned empty and another group was loaded onto it. According to testimony collected, the truck left the building and turned onto a paved road to Grabovo, a village about 2 km south-east of Ovcara. A few minutes later, the truck made a left turn onto a dirt road. This road ran between a cultivated field on the left and a heavily timbered area on the right.

From the given estimates of time and distance between the building where prisoners were being held and from the description of the roads used, only one location fits the description: the dirt road turning off the main road at 1.1 km south-east of the Ovcara complex. This road runs north-east, between a cultivated field on the left and a heavily wooded ravine on the right. The area where the skeletons were discovered is located at the head of this ravine, at 0.8 km from where the field road turns off the main road.

After the discovery was made, UNPROFOR authorities took immediate action to insure round-the-clock security of the scene until a proper medico-legal investigation of the site can be conducted by an international team of forensic experts.

The mission has also received information concerning the possible existence of mass graves in other areas, and further investigations will be carried out in the future.

(End Excerpts)

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## DOCUMENT 13

"MASSIVE" HUMAN RIGHTS VIOLATIONS FOUND IN BOSNIA  
(Excerpts: 1st Report of CSCE Mission to Bosnia) (2510)

Prague -- "There is no doubt that massive violations of basic human rights have occurred in the former Yugoslavia," says a new report by a recent CSCE mission to that stricken area.

"A complete range of individuals, both male and female, young and old, are now being held throughout Bosnia-Herzegovina in various places of detention," the mission's report says. "We met with prisoners as young as 17 or even less and as old as 83. The crucial point is that thousands are being held against their will or under conditions which make their departure from the places of their confinement virtually impossible....

"It is impossible to escape the conclusion that most prisoners are innocent people who have been seized as hostages to promote 'ethnic cleansing.'"

The report also states: "It is clear that Serb forces in (Bosnia) hold a disproportionate share of the prisoners."

The ten-member mission, headed by Britain's Sir John Thomson, spent approximately a week investigating conditions in Bosnia at the beginning of September. Following are excerpts from its "Report of the CSCE Mission to Bosnia-Herzegovina," released by the CSCE secretariat September 16:

(begin excerpts)

## INTRODUCTION

The terms of reference for this mission were developed under the guidance of the committee of senior officials of the Conference on Security and Cooperation in Europe (CSCE). Alarmed by continuing reports from various sources concerning the brutal mistreatment of persons in the state of Bosnia-Herzegovina (hereafter referred to as B-H), the committee of senior officials directed that a delegation of experts be dispatched immediately to investigate the humanitarian and human rights situation in B-H, and to determine, to the extent feasible in the shortest period of time, the status and treatment of the people and detention centers in B-H.

This humanitarian mission was headed by Sir John Thomson of the United Kingdom who was assisted by Ambassador Kenneth Blackwell of the United States and a distinguished group of international legal, medical and political experts.

The main task of the mission was to survey the human rights situation in B-H through direct observation of the detention camps and centers throughout the country insofar as it could in the one week duration of the mission.

From August 30 until September 4, the delegation visited 19 detention

camps, prisons and suspected locations in some 13 cities and towns in B-H and one suspected camp in Serbia.

#### BACKGROUND

The virulent nationalistic waves now sweeping across the former Yugoslavia have produced death and destruction on a huge scale. Thousands of homes have been destroyed. An estimated 1.9 million people have become refugees or displaced persons.

Vast areas of the economy have been devastated. It has been debated whether economic, political or psychological factors are at the roots of the Yugoslav crisis. It is likely that there are elements of each at play, and one may look to the long and often sanguinary history of the Balkans to find all the "justification" needed to explain the events now occurring in 1992. Deep seated hatreds alive and active a generation or two ago combined with economic grievances, including some opposition between town and country have led otherwise decent people to do things they would have abhorred a few months ago.

#### CRUCIAL ISSUES

There is no doubt that massive violations of basic human rights have occurred in the former Yugoslavia. The evidence of refugee reports, press and television stories, and the credible statements of hundreds of eyewitnesses testify to anguish and tragedy to a degree that is almost unbearable for those who have seen it. The Republic of Bosnia-Herzegovina, once an impressive oasis of ethnic cooperation and co-habitation has been caught up in the Yugoslav madness and is now torn by savagery. The passions engaged in this once peaceful republic have produced a situation in which the facts and the truth have become enmeshed in partisan distortion. And this is possibly an unduly gentle way of expressing the reality.

In the reports which were available to us it is clear that Serb forces in B-H hold a disproportionate share of the prisoners. We can make no claim to know with indisputable accuracy the exact number of prisoners and hostages held by all sides. One may doubt whether anyone has a completely accurate tally sheet. Part of the difficulty in assessing numbers is that exchanges, swaps, trades and expulsions occur at a local level, not always with the knowledge of higher authorities.

There are also credible reports of so-called "private prisoners" held by individuals or groups within Bosnian cities whose names and places of detention never reach international humanitarian authorities. Many such reports relate to Sarajevo in particular.

Our mission also determined that there were instances when the parties to the conflict established places in which an entire village -- segregated by ethnic background -- functions as a detention camp. For example, 250 Serbs living in Rascani (near Tomislavgrad) and 60 Moslems in Ripac (a Serbian-controlled area near Bihac) are guarded and harassed by the authorities and kept in complete isolation.

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Lack of Respect for Civilian Population -- The mission determined that a complete range of individuals, both male and female, young and old, are now being held throughout B-H in various places of detention. We met with prisoners as young as 17 or even less and as old as 83. The crucial point is that thousands are being held against their will or under conditions which make their departure from the places of their confinement virtually impossible.

Legally speaking, the people held in places of detention of various natures fall into three categories:

(A) Prisoners of War (POWs). These prisoners have taken an active part in hostilities and can legally be detained as combatants under the Third Geneva Convention of 1949. The mission saw very few of these. It was our impression that much of the fighting was to the death.

(B) People who allegedly had been hiding weapons in their homes and/or possessed information of potential military significance. Their civilian (non-combatant) status should have protected them from military detention, although they could arguably be subject to judicial proceedings. There were probably a significant number of these.

(C) People who were taken prisoner because they lived or worked in the zone of combat. These people were not taking part in hostilities but were seen as enemies due to their ethnic origin. Their civilian (non-combatant) status should have protected them from detention. This category was easily the largest.

Our experience suggests that a comparatively small percentage of prisoners are genuine POWs. The remainder should never have been imprisoned. We are not impressed by claims that they were incarcerated for their own safety or simply because they happened to be resident in a combat zone. It is impossible to escape the conclusion that most prisoners are innocent people who have been seized as hostages to promote "ethnic cleansing." They are pawns in vicious games played by nationalist politicians. These innocent people should be released forthwith.

There is a dilemma which must be faced in any honest assessment of what kinds of prisoners we are dealing with in B-H. The nature of the war now occurring there is far from an organized struggle with uniformed armies serving recognized governments and observing traditional rules of war. We are fully aware that neither age nor gender are barriers to participation in the civil war now underway in B-H. There are all sorts of uniformed and non-uniformed armed groups and units participating in the conflict. Some are the creation of what can only be understood as local warlords, others represent some kind of community defense force, and still others are the armed part of a right wing political party. Moreover, individuals have been "mobilized" directly from their homes and fight in civilian clothes.

All authorities told us that the prisoners they held were legitimate prisoners of war. Serb authorities also insisted that they had the right to hold "individuals taken in the area of the conflict." This latter term is not one with which our international legal experts are familiar, and we believe that they do not have such a right. Moreover, in our discussions

with hundreds of detainees in Serb, Moslem, and Croat places of detention we found an appalling number of individuals who we believe are, in fact, civilians with little if any direct connection with the conflict.

The Responsibility of Leaders -- Despite the existence of "warlords," the bulk of the evidence points to the responsibility of acknowledged leaders. The mission believes that, in general, leaders exercise effective control over their military and civilian structures. Contrary to what is usually accepted, the so-called "uncontrolled elements" are marginal. They exist but their importance has been exaggerated by various leaders who find them a convenient explanation for numerous barbarities.

The mission is very conscious that on all sides there have been numerous breaches of the Geneva Conventions and that to a significant extent some of these continue. The most widespread breach by all parties is the long continued detention, in some cases of more than three months, of civilians who cannot possibly be classified as prisoners of war. The largest number of these appear to be in Serb places of detention, and therefore, while the international community should bear down heavily on all parties, it should do so particularly firmly on the Serbs.

The "ethnic cleansing" operations which are taking place with official connivance or direct support have left people virtually defenseless even in their homes. Murders, rapes, robberies, assaults and beatings are continuing. Those who carry out these activities are often personally known by their victims and by others in the community. Few have reportedly been brought to justice.

Treatment of Prisoners by Authorities -- With very few exceptions, camp authorities have little sympathy for detainees. We witnessed the results of beatings, wounds, fractures and other injuries in camps controlled by Serbian, Moslem, and Croatian authorities, and have reason to believe that innocent prisoners on all sides have been executed. The prisoners interviewed are reluctant in most cases to provide specific detail concerning atrocities, but many provided hints.

Conditions at detainee centers vary widely but in virtually all cases they fail to meet minimum standards in one way or another and usually in several.

General Conditions in Centers -- Almost all centers visited have been improvised on short notice, utilizing existing public facilities such as schools (Livno, Trnopolje), gymnasia (Konjic Town), stables (Manjaca), storage sheds (Konjic-Celebici, Susica and Bjeljina Batkovic). At Trnopolje a large number of prisoners lived in very primitive self-made shelters. With few exceptions, none of these camps will be suitable for detainees this winter. We also visited detainees in buildings formerly used as jails or barracks, where detainees may be afforded better protection during winter. The vast majority of detainees on all sides are incarcerated in very close proximity to each other, and in some centers the degree of overcrowding is intolerable.

Water and Food -- A number of the centers visited have no local supply of safe water, and supplies are delivered on a regular basis in tanker trucks or large portable containers.

In all centers visited, food rations are or have been inadequate. At Bileca and Trnopolje, detainees must rely to a great extent on food provided by friends and relatives.

Sanitation and Hygiene -- The majority of centers visited provide what must be termed very basic latrines, some of which are treated with lime and others regularly moved. Little privacy is available, with a few exceptions, except in centers located in former barracks or jails.

Personal hygiene is seriously compromised for most detainees, with no or infrequent opportunities to bathe appropriately. Body lice were seen in one center, and this infestation is probably widespread.

Health of Prisoners -- While many civilian in B-H are said to be short of nutritious food, there can be no doubt that a majority of prisoners are more seriously deprived. In Manjaca most prisoners exhibit signs of very serious malnourishment, including cachexia, hair loss, sunken eyes and muscle wasting, whilst detainees in other centers are generally less seriously threatened. Detainees in Manjaca admit to weight loss of 10 to 40 kilograms during two to three months of detention there and in other notorious centers such as the camp at Omarska which the prisoners believe is now closed.

Through many interviews of prisoners it was evident that a majority are living in fear for themselves and their families. They have very serious uncertainties about mistreatment by the authorities, about their future following release, concerning the whereabouts and well being of relations, and often they are totally unaware as to why they have been detained.

It is not too strong to say that the vast majority of prisoners are living in fear, and some in terror, of their lives. This is reflected in their behavior. They react immediately to commands to stand, sit, proceed to the eating places, and in many instances walk like humbled and degraded persons with stooped shoulders and their hands behind their backs -- this was particularly evident in Manjaca and Konjic.

Violations of International Humanitarian Law -- Since most prisoners are civilians, their capture and treatment should in the first place be related to the Fourth Geneva Convention of 1949 (The Civilian Convention). Under this convention, as well as under customary international law applicable in armed conflict, civilians may not be detained unless imperative reasons of security can be proven on an individual basis. This was never the case with regard to the prisoners with whom the members of the mission spoke.

Although most prisoners were not combatants and consequently could not be regarded as POWs, their treatment should at least conform to the basic humanitarian standards of the POW Convention, that is, the Third Geneva Convention of 1949. Since the detaining authorities frequently claimed that the prisoners were in fact POWs, it is also useful (as against the "detaining power") to relate their treatment to the standards of the POW Convention.

The preceding sections have shown that a number of violations of the humanitarian standards have occurred. For example, mistreatment of

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detainees violates Article 13 of the POW Convention and Article 32 of the Civilian Convention; malnutrition of detainees is a violation of Article 26 of the POW Convention and Article 89 of the Civilian Convention; inadequate hygiene and medical attention are a violation of Articles 20-30 of the POW Convention and Article 91 of the Civilian Convention. The clothing which the mission observed on prisoners throughout Bosnia-Herzegovina will not be adequate for the upcoming winter. That failure to provide adequate clothing will produce a situation at odds with Article 27 of the POW Convention and Article 90 of the Civilian Convention. The CSCE Mission notes that persons who have committed or ordered any of these grave breaches of the conventions should be held individually responsible.

(end excerpts)

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## DOCUMENT 14

SERBS CHARGED WITH "GROSS" HUMAN RIGHTS VIOLATIONS  
(Excerpts: CSCE report on Croatian trip) (3190)

Washington -- Following are excerpts from a report of an investigative team's trip to Croatia conducted this fall under the auspices of the Conference on Security and Cooperation in Europe. The report of the three-member team, led by Hans Corell of Sweden's Ministry of Foreign Affairs, was released by the CSCE in early November.

(Begin excerpts)

#### Background

From September 30 to October 5, 1992, three rapporteurs were sent under the auspices of the Conference on Security and Cooperation in Europe (CSCE) to Croatia to investigate and report on alleged human rights abuses. The group was led by Hans Corell, Under Secretary for Legal and Consular Affairs, Ministry of Foreign Affairs, of Sweden. The other members were Helmut Turk, Deputy Secretary-General and Legal Adviser of the Ministry of Foreign Affairs, Austria and Mrs. Gro Hillestad Thune, member of the European Commission of Human Rights, from Norway.

The rapporteur mission was sent in accordance with the provisions of the CSCE Human Dimension mechanism, which allows participating states to invite the assistance of a CSCE mission to contribute to the resolution of problems relating to human rights. It is part of an ongoing series of efforts by CSCE to judge the human rights situation in the former Yugoslavia and establish facts about reports of atrocities and war crimes.

The mission was an initiative of the U.S. and EC nation's. Their intention was that the rapporteurs should visit Croatia and Bosnia. This report covers the first part of that mission. A trip to Bosnia is planned in the near future.

The U.S. provided logistical and administrative support for the visit to Croatia. The American Embassy in Zagreb served as the local coordinating institution for the three rapporteurs.

The report confirms observations by other CSCE missions, notably the Thomson mission which travelled to Bosnia in August 29-September 4, 1992. Its findings give further confirmation of detailed information the U.S. recently passed to the U.N.

According to CSCE procedures, this report will also be passed to the U.N. under the terms of U.N. Resolution 778.

The U.S. is pleased that the CSCE undertook and agreed to this mission and is grateful for the expertise of the three rapporteurs in studying the situation in Croatia.

The main findings of the report were:

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-- "It is beyond any doubt that gross violations of human rights and norms of international humanitarian law, including war crimes and crimes against humanity, have been committed in connection with the armed conflict in the former Yugoslavia....The evidence is overwhelming and undeniable. The international community cannot allow this horrifying situation to persist."

-- The Rapporteurs' impressions of their short but intense visit to Croatia are very strong. Even if they were able to prepare themselves for the visit by reading some of the many documents that now exist concerning the situation in the former Yugoslavia, these documents were not able to convey the impression which an on-site examination of the conditions makes...."

-- "Although responsibility of...grave violations of human rights and the norms of international humanitarian law is to be attributed to both parties to the conflict, it appears that the scale and gravity of the crimes committed by the Yugoslav National Army, Serbian parliamentary groups and the police forces of the (Serbian-held) Knin authorities are by far the most serious on the Serbian side, such violations of generally accepted international norms seem to form part of an officially tolerated or even supported systematic policy."

#### Excerpts

#### Summary and Introduction

Rapporteurs (Hans Corell, Hans Turk and Gro Hillested Thune) visited Croatia during the period of 30 September-5 October 1992 under the Moscow Human Dimension Mechanism to Croatia. During this period they had extensive talks in Zagreb with representatives of the Croatian Government, the Croatia Parliament, non-governmental organizations and with academics, as well as representatives of the international organizations operating there. They further visited three of the United Nations Protected Areas (UNPAs), where they had talks with representatives of the United Nations as well as the local authorities.

The Rapporteurs...made the following observations: There are numerous reports regarding atrocities perpetrated against unarmed civilians as well as the practice of "ethnic cleansing" in the territory of the Republic of Croatia. Although responsibility for these grave violations of human rights and the norms of international humanitarian law is to be attributed to both parties to the conflict, it appears that the scale and gravity of the crimes committed by the Yugoslav National Army, Serbian paramilitary groups and the police forces of the (Serbian-held) Knin authorities are by far the most serious. On the Serbian side, such violations of generally accepted international norms seem to form part of an officially tolerated or even supported systematic policy.

Besides the fact-finding elements of their mission the Rapporteurs saw their main task to be investigation of the possibilities of attributing responsibility for acts of atrocities against unarmed civilians. In this connection, they examined the relevant national legislation and the administration of justice in Croatia as well as pertinent international legal instruments. On the basis of this examination, the Rapporteurs conclude that there is a sufficient legal basis for international prosecution....

The Rapporteurs wish to emphasize that the impressions of their short but intense visit to Croatia are very strong. Even if they were able to prepare themselves for the visit by reading some of the many documents that now exist concerning the situation in the former Yugoslavia, these documents were not able to convey the impressions which an on-site examination of the conditions makes....

Role of the U.N.

~~The bloodshed resulting from the disintegration of the Socialist~~ Federative Republic of Yugoslavia prompted the United Nations to engage in a peace-keeping operation under which "United Nations Protected Areas" (UNPAs) were created in certain areas of the Republic of Croatia....It is the task of the "United Nations Protection Forces (UNPROFOR) to ensure that these areas are and remain demilitarized and that all persons residing in them are protected from fear of armed attack. The United Nations police monitors (UNCIVPOL) are to ensure that the local police forces carry out their duties without abusing human rights or discriminating against persons on the basis of nationality....UNPROFOR is encountering increasing obstacles in its efforts to implement the United Nations plan in the UNPAs. This was due to the failure of the parties, and principally of the Knin authorities and extremist forces in the UNPAS, to give UNPROFOR the full and continuing cooperation which it must have if it is to be able to carry out the tasks entrusted to it by the Security Council....

It was also indicated to the Rapporteurs that a major Serbian attack on Bihac might take place before the onset of winter. Besides great civilian casualties, such a turn of events would lead to a major new influx of refugees to Croatia....

There is, furthermore, group concern that Serbian forces in the Krajina region might resort to terrorist acts on a large scale. The Peruca High Dam, southeast of Knin, was until recently held by Serbian "special police forces." These forces were withdrawn after negotiations with UNPROFOR....There is great concern that the authorities might threaten to destroy the dam, which would result in an ecological disaster and endanger the lives of 40,000-50,000 people living south of the dam. Another major concern is the many tons of explosives, said to be stored near the Serb-controlled Zemunik airport, which if detonated, could cause a seismic tremor endangering the historic town of Zadar and the surrounding area with a population in 1991 of some 135,000 people.

In the view of the Rapporteurs, it is obvious that the deployment of UNPROFOR in the areas concerned is a major factor in preventing renewed armed conflict ....Unless a political solution with respect to the Serb-controlled areas of the Republic of Croatia can be found in the coming month, a withdrawal of UNPROFOR when its mandate expires would, in the opinion of the Rapporteurs, probably lead to new and massive bloodshed, including atrocities against the unarmed civilian population. Such a development might have dire consequences for the situation in the whole region.

The Human Rights Situation in Croatia

There are numerous reports regarding atrocities perpetrated against unarmed civilians as well as the practice of "ethnic cleansing" in the territory of the Republic of Croatia. Although responsibility for these grave violations of human rights and norms of international humanitarian law is to be attributed to both parties to the conflict, it appears that the scale and gravity of the crimes committed by the JNA, Serbian paramilitary groups such as the IMF, and the police forces of the Knin authorities, are by far the most serious. On the Serbian side, such violation of generally accepted international norms seem to form part of an officially tolerated or even supported systematic policy....

#### Mass Killings and Arbitrary Executions

##### A/ In Areas Under the Control of the Croatian Government

The Rapporteurs received reports alleging the arbitrary execution of Serbs by Croatian forces. It was reported that in mid-November 1991, eighteen Serbian men from the village of Kip were arrested by members of the Croatian Army and brought to the village of Marino Solo, where they were allegedly executed in December 1991....According to reports, the Croatian Army massacred approximately 150 civilians in the vicinity of the village of Pakracke Polje in November 1991. This incident was reported in the Croatian press. It is not yet clear where the mass-grave is located. Despite appeals by the families of the victims, however, no information has been released by the Croatian authorities thus far, although the matter is under investigation by the Ministry of the Interior. It has been alleged that the authorities are delaying the investigation because the Army is involved.

##### B/ Areas Presently Under the Control of the (Serbian) Knin Authorities

There have been numerous reports of mass-killing of unarmed civilians, the most serious of which appears to have occurred in the town of Vukovar. According to several sources, between 2,000 and 3,000 unarmed civilians who disappeared after the fall of the city of Vukovar may have been executed by the combined forces of the JNA and Serbian irregular forces. There are allegations that there are between ten and fifteen mass-graves in Vukovar and vicinity. There appear to be clear indications concerning the specific location of three of these mass-graves. The Knin authorities, however, have refused access to these sites. The Rapporteurs were informed by competent experts that if the exhumation of these mass-graves does not take place before the occurring winter...it may be impossible to identify the victims and the cause of death.

#### Forced Deportations and Ethnic Cleansing

Forced deportations on the basis of ethnic identity have taken place on numerous occasions, in particular by the Serbian side. In many cases, the deportees have been incarcerated in detention camps where they have been subjected to serious mistreatment....Apart from detention camps as such, both sides have reportedly engaged in a policy of "hostage settlement." This practice involves the encirclement of an entire village and the use of inhabitants as hostages in exchange for detainees held by the other party to the conflict. It was reported that the Serbian side has

perpetrated such acts on numerous occasions. It was reported that the Croatian army has held the inhabitants of several Serbian villages in Western Slavonia as hostages.

Although "ethnic cleansing" is a fait accompli in many cases, ethnically mixed areas continue to exist. In most of these areas, however, specific ethnic groups are either presently undergoing the early stages of the ethnic cleansing process or are under imminent threat of expulsion or killings using the methods described above. Such situations are characterized by the destruction and confiscation of property, ~~discriminatory dismissal from employment and a general policy of~~ intimidation and harassment against a target ethnic group. The objective of these practices is to create a climate of terror and fear which, together with economic strangulation, leave the affected individuals with no alternative but to flee.

In the territory under the control of the Croatian Government, the Serbian population is the sole target ethnic group. In areas under the control of the Knin authorities, however, other than the Croatian population, ethnic groups such as Muslims, Hungarians, Czechs, Slovaks and Ruthenians, are also affected. It was also pointed out that while the destruction of Croatian homes occurred primarily during the armed conflict, most of the destruction of Serbian homes has taken place after the introduction of the Vance plan, in order to prevent the return Serbs....

#### Destruction and Confiscation of Property

##### A/ Areas Under the Control of the Croatian Government

It was reported that in numerous cases Serbian properties have been destroyed or confiscated in Croatia. It was reported that over 6,000 Serbian homes have been destroyed in the last ten months. It was reported that in the region of Zadar on 2 May 1991, approximately 1,000 Croatians from Bibine joined a group from Zadar and proceeded to systematically destroy and loot shops belonging to Serbs. It was also reported that a number of municipalities had lists of Serbian homes and properties to be destroyed. It was alleged, furthermore, that these lists were prepared by officials belonging to the HDZ party....

##### B/ Areas Presently Under the control of the (Serbia) Knin Authorities

It was reported that most of the homes and property belonging to non-Serbs have already been destroyed or confiscated by the Knin authorities. Such acts, nevertheless, are allegedly still carried out. In September 1992, six elderly people from the village of Svinjarevci who were terrorized into abandoning their homes and who were desperately seeking to cross the line into Croatian-held territory, were formed by the "Internal Affairs Office" in Vukovar that in order to leave the area they had to sign an official form stating that they were voluntarily leaving their homes. The Rapporteurs were particularly concerned about information received that the Knin authorities have enacted a law in November 1991 allowing for the confiscation of properties belonging to any individual who is considered an "enemy of the Serbian Republic of Krajina." In view of the fact that no effective judicial system exists in these areas, it is apparent that the sole purpose of such a law is to legitimize the arbitrary expulsion of non-Serbs from their homes.

## Discriminatory Dismissal from Employment and Harassment

## A/ Areas Under the Control of the Croatian Government

It was reported that significant numbers of Serbs have been arbitrarily dismissed from employment solely on the basis of their ethnic origin. In particular, this has been the case in government offices and police departments....It was reported, for example, that in March 1990, sixty members of the Serbian intelligentsia were pressured to leave Zadar through threatening letters signed by the HDZ party, which stated that "we have had enough of Serbian Communist dictators, our time has arrived. You leave or you will have to behave as we want." The local police took no action to protect these individuals, who subsequently received threatening telephone calls warning them that if they did not leave, their children would be killed and their wives would be raped....

## B/ Areas Presently Under the Control of the Knin Authorities

In these areas, it was reported that practically all Croats, as well as other non-Serbs, have been arbitrarily dismissed from employment, solely on the basis of their ethnic origin. Non-Serbs, furthermore, are subjected to death threats and other serious forms of intimidation on a regular basis....

## Arbitrary Arrests of Serbs in Croatia

There have been numerous reports involving the arbitrary arrests of Serbs in the territory under the control of the Croatian Government....While in police custody, furthermore, there have been reports of torture and mistreatment.

It was reported that the names of Serbian intellectuals have been published in newspapers in the form of a "wanted" persons list. If they are located, therefore, they may be arrested....Many have been tried in absentia. It was alleged that as long as the name of an individual of Serbian origin appears on the list, no other evidence is necessary for his conviction....

## Legal Rights and Accountability

Since an element of the Rapporteurs' mandate is an assessment of that feasibility of attributing responsibility for atrocities committed against unarmed civilians, the Rapporteurs have considered the applicable law in the Republic of Croatia....The Rapporteurs conclude that the category of human rights violations which fall within (their) present mandate are punishable both under the law of the former Yugoslavia as well as under the law of the Republic of Croatia...

In the view of the Rapporteurs, it is important that a thorough assessment of the necessary rules for a system for administration of collected information be made prior to any (administration of justice).

Before a system of this kind is introduced, it is necessary to lay down the reasons for it. In the opinion of the Rapporteurs, such a system should:

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- make it possible to establish personal responsibility
- make it possible for victims or their relatives to participate and at the same time to ease their grief
- give the possibility for witnesses and organizations to deposit their statements or contributions in order to assist in the establishment of personal responsibility
- give a clear signal to the world that the international community is prepared to take action and to pursue such efforts
- retain the possibilities for different options with respect to...the bringing of suspects to justice....

#### Concluding Remarks

It is beyond any doubt that gross violations of human rights and norms of international humanitarian law, including war crimes and crimes against humanity, have been committed in connection with the armed conflict in the former Yugoslavia. It is also common knowledge that every day atrocities continue to be committed. The evidence is overwhelming and undeniable. The international community cannot allow this horrifying situation to persist. In various fields, decisive measures should be taken to put an end to this tragic situation. One such field is the legal field....

This is an historic moment with unprecedented opportunities. There is a willingness expressed by concerned States outside the area to contemplate action regarding the atrocities committed. But even more important is the indication of cooperation that has been made to the Rapporteurs by the Government of the Republic of Croatia. Within the near future, therefore, it should be possible to establish an international jurisdiction to deal with the individuals responsible for the crimes committed....

In the opinion of the Rapporteurs, the international community shares a common responsibility to bring to justice those who have committed crimes in connection with the armed conflict in the former Yugoslavia. The rules enshrined in the relevant international legal instruments should be enforced in order to punish those responsible and to demonstrate the determination of the international community to take action now -- and in the future.

(End excerpts)

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## DOCUMENT 15

U.S. SEEKS END TO SERBIAN AGGRESSION  
(Transcript: Ambassador Niles on WorldNet) (8600)

Washington -- The United States "cannot accept, and will not accept the effort of Serbia to create a new political reality in Bosnia-Herzegovina by driving people of non-Serbian ethnic background from their homes," Assistant Secretary of State for European and Canadian Affairs Thomas Niles said October 21.

Niles, in a U.S. Information Agency WorldNet, said the United States, in concert with the European Community and the United Nations, "seeks to stop the war in Bosnia-Herzegovina -- and to insure that the ethnic cleansing is stopped and its effects reversed -- so that the refugees currently in Bosnia-Herzegovina can return."

Speaking with journalists in Islamabad, Amman, Cairo and Abu Dhabi about prospects for resolution to the conflict, Niles said the international political pressures against Serbia-Montenegro "are having a very pronounced effect on the ability of that country to continue to pursue the war in Bosnia."

The no-fly zone, he pointed out, was established because Serbian military aircraft had been used to bomb civilian targets. "Now, that activity has been stopped," he said.

Niles said the United States "has played a leading role in the United Nations in putting together a comprehensive international front against Serbian aggression in Bosnia-Herzegovina and in favor of a peaceful settlement to the crisis."

"We're moving on a number of fronts simultaneously to try to protect the people of Bosnia," Niles stressed. But he acknowledged that efforts are hampered by continuing war, by the dislocations caused by the war, and the beginning of winter in Bosnia.

A goal of U.S. policy in the conflict, he emphasized, is "to secure international recognition of the independence and territorial integrity of Bosnia-Herzegovina, Croatia and the other states of the former Yugoslavia," and "to demonstrate that the efforts by the government of Serbia to create a greater Serbia through the use of force will not succeed."

"I'm afraid that what happened in the former Yugoslavia will not be the first and last case of its kind," Niles noted. He said another goal of U.S. policy is to find a mechanism "to enable the international community to deal more effectively with crises of this kind."

Niles said the U.S. is also participating in efforts by the European community and the U.N. at the Geneva conference "which we believe will have the effect of ultimately reducing and stopping the fighting and establishing a new basis for constitutional order in Bosnia-Herzegovina."

"The peace conference...has not resolved all the problems yet," Niles said, adding that "measures short of the use of force that we've adopted -- economic pressures -- are very promising."

Niles said the United States is a sponsor of three resolutions adopted by Security Council to resolve the conflict: 20 Resolution 770, on the use of "all appropriate means" to bring humanitarian aid to Bosnia; Resolution 771, which establishes the principle that "people guilty of war crimes in Bosnia-Herzegovina or in all of former Yugoslavia can be brought before an international tribunal to be tried for their crimes," and Resolution 757, establishing comprehensive economic sanctions against Serbia/Montenegro.

Asked why the United States has not moved to intervene militarily in the crisis, Niles said "in the view of our military experts...the use of military force in that confused and confusing environment is a very, very difficult undertaking."

In response to a question, he said the United States "is prepared where appropriate in our view, to use military force to secure a settlement...but we do not believe that fundamentally there is a military solution to the crisis."

"We have not used military force...but we've used every other means short of military intervention against Serbia, and I think that policy will bear fruit," Niles pointed out.

He said the comprehensive economic sanctions now in place "amount to economic warfare by the international community... (and) have essentially broken the Serbian economy and made it practically impossible for Serbia to continue to prosecute the war."

The U.S. approach to deny the Serbs the ability to shell the cities, or bomb civilian targets, he explained. "We're thinking particularly of the aircraft that they inherited from (the former) Yugoslavia and the large tube artillery and heavy mortars."

"Since the resolution was adopted the aircraft have not been in the air," Niles said, adding, "If they are used...we intend to go back to the Security Council to seek authorization to enforce the no-fly zone resolution."

"We believe we are on the right track in taking away from them the capability to carry out that war, by removing (grounding) their air force," the official said, which we've been able to do under the no-fly zone resolution.

"We hope in the weeks ahead to deprive them of their heavy artillery, so that their attacks on the major cities will not be possible," he said.

But Niles said the United States "is also prepared to go back to the United Nations for a resolution to enforce resolution 770," in the event the Serbs are able to pursue the war in the face of current U.N. sanctions.

Following is a transcript of the WorldNet interview:

(Begin transcript)

NARRATOR: Worldnet presents Dialogue, an unrehearsed televised news conference. Now, live from our studios in Washington, DC, here is your host, Elizabeth Van Etten.

MS. VAN ETTEN: Hello, and welcome to Worldnet's Dialogue. Over the past several months, much of the world's attention has been heavily focused on the current situation in Bosnia-Herzegovina. Today we will look at the role of the United States and the United Nations in this conflict.

We welcome Ambassador Thomas Niles, Assistant Secretary of State for European and Canadian Affairs. Mr. Ambassador, welcome back once again to Worldnet's Dialogue.

MR. NILES: Thank you.

MS. VAN ETTEN: We would also like to welcome our participants in Cairo, Amman, Abu Dhabi and Islamabad. I know you're all standing by with questions. And before we go to Cairo, I'd like to pose an opening question. A lot has happened this week. The Serbian police have seized the interior ministry in Yugoslavia. Also Bosnia has come out with a plan of sorts. I don't know how much we know -- perhaps you could expand on it -- about autonomous regions. They're not calling it partitions, if you will.

MR. NILES: Right.

MS. VAN ETTEN: First of all, how much do we know about that plan?

MR. NILES: Well, we are aware of the proposals that have been advanced by President Izetbegovic of Bosnia to develop the system in which the regions of that country, Bosnia-Herzegovina, would have a substantial degree of autonomy. His government is certainly prepared to move in that direction. What the Bosnian government has refused to do, and we support them in this, is to divide the country up strictly on an ethnic basis so you would have a Serbian, a Croatian and, say, a Bosnian Muslim (Canton?) in Bosnia-Herzegovina. President Izetbegovic's proposal, I believe, envisages nine regions, nine autonomous, largely autonomous regions, based not only on ethnic considerations, but also, of course, on geographical, economic and other considerations. And it seems to us to be a proposal that has quite a bit of promise.

MS. VAN ETTEN: All right. Let's talk about the Serbian police taking over the ministry.

MR. NILES: Well, that was a very interesting development, and certainly is part of a rather tense situation that is developing in Serbia between the president of Serbia, Mr. Milosevic, and the prime minister of Serbia-Montenegro, or the Federal Republic of Yugoslavia as they call it, Mr. Panic, who happens to be an American citizen, a businessman from California. And the president of Serbia-Montenegro, Dobrica Covic, is a

very famous Serbian writer, thought of as being the father of this new rather virulent form of Serbian nationalism, but a person who as president of Serbia-Montenegro has played a rather responsible role, trying to find a peaceful solution to the crisis of former Yugoslavia.

So what you have here is quite a bit of tension developing between those who are trying to find a peaceful solution to the crisis in former Yugoslavia, President Chosic and Prime Minister Panic, and on the other hand, Serbian President Milosevic, whom we consider to be largely responsible for the tragedy that has befallen that country since the summer of 1991. The seizure of the police building in Belgrade is, I think, an indication of the degree to which tensions have risen between those two camps.

MS. VAN ETEN: All right. Without any further ado, we will go now to Cairo for their questions. Go ahead, please, in Cairo.

Q: Here in the area, most of the Arab and Islamic world think that the war in Bosnia is based on religious reasons, and specifically against Islam. Do you think that this is a war -- is a new episode in the Crusades? And what does the U.S. government think?

MR. NILES: Well, the view of the United States government is that the crisis in Bosnia-Herzegovina is a result of efforts by the government of Serbia, led by President Milosevic, to create a greater Serbian state. We recognize that there are perhaps some religious elements in this, but primarily what we see this as is an expression of a new and virulent form of Serbian nationalism aimed as much at the Catholic Croats as it is at the Islamic population of Bosnia-Herzegovina, which, in the 1990 census, amounted to about 44 percent of the population in Bosnia-Herzegovina, a total of 4 million people in that country. So we don't see this as any part of a crusade against Islam; rather, we see it as, at least in its essence, as an expression of a new and, we think, rather dangerous, very dangerous form of Serbian nationalism aimed at Catholic Croats as well as Islamic people in Bosnia-Herzegovina.

MS. VAN ETEN: Thank you, Cairo. And let's take an opening question now from Jordan. Go ahead, please, in Amman.

Q: Mr. Ambassador -- (inaudible) -- that the United States and the United Nations had a very reluctant and belated response to the conflict, and your own George Kenney from the State Department had indicated that only military intervention would be effective in solving the crisis. Why aren't you doing this military intervention? And can you compare that to the reaction that both U.N. and the United States -- (inaudible) -- the crisis? (Inaudible) -- is your fear of the (rights?) of an Islamic state a factor in this case? Thank you.

MR. NILES: Well, first, I don't think the analogy between the international response to Saddam Hussein's invasion and seizure of Kuwait, on the one hand, and what's happening in former Yugoslavia, on the other, is a very good one. In the case of the invasion of Kuwait, the world community, led by the United States but by no means restricted to the United States, rose up against this breach of international law and had a very successful effort to restore the sovereignty of the state of Kuwait;

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by the way, an Islamic state. So in this sense, the United States was not working against the interests of an Islamic people, but rather in favor of one, the people of Kuwait. We were not certainly against the people of Iraq, but rather against the Iraqi dictator, Saddam Hussein.

Now, in the case of whether military force should be used to restore order, peace and human rights in Bosnia-Herzegovina or in former Yugoslavia as a whole, it's a very complicated issue. There are, as you suggested, some differences of view in the United States. One of the officers who worked for me resigned his position because he felt that we were not moving in that direction which he thought was the right direction, which happens to be his right to do, and he's now pressing for military intervention from a new position in the private sector.

I personally don't believe that there is a military solution to the crisis in former Yugoslavia, particularly in Bosnia-Herzegovina. Rather, I think what we need to do is to press ahead on the course we're on, using political pressure, economic sanctions, which are having a major impact on the economy of Serbia, and where necessary, using military capabilities to deal with, for example, the humanitarian crisis in Bosnia-Herzegovina. The United States proposed the resolution adopted by the Security Council in August -- I'm sorry, September -- Resolution 770, which authorizes the use of all appropriate means to deliver humanitarian supplies to the people of Bosnia-Herzegovina.

Now, all appropriate means certainly include, if necessary, the use of military force. And in execution of that resolution, a new military force is being formed under the United Nations to secure the delivery of humanitarian supplies this winter to Bosnia-Herzegovina. The United States put forward and supported the resolution that was adopted establishing a so-called no-fly zone over Bosnia-Herzegovina, which was designed to ensure that the Serbian groups in Bosnia-Herzegovina would not be able to use the military aircraft that they were given by the government of Serbia. Our original proposal would have authorized the use of force to implement that resolution. Others in the Security Council felt that the first stage of this effort should be simply one of declaring the no-fly zone and monitoring it, and if it was broken, if the Serbs continued to use their aircraft, then we would go back to the Security Council to seek a resolution which would include enforcement measures.

So we have been prepared, and indeed are prepared where appropriate, in our view, to use military force to secure a settlement in Bosnia-Herzegovina, but we do not believe that fundamentally there is a military solution to the crisis. What we're seeking through the negotiating process in Geneva, led by our former Secretary of State, Mr. Vance, and the former British foreign secretary, Lord Owen, is to develop a peaceful negotiated solution to the crisis.

MS. VAN ETEN: Thank you, Amman. And we now turn to our participants in Abu Dhabi for their opening question. Go ahead, please.

Q: How much influence has the United States had on the actions of the U.N. during this crisis? And do you think that we should have gotten involved sooner?

MR. NILES: Well, as a member of the Security Council, the United States obviously has played a very important role in the work that's been done on the Yugoslav crisis since the U.N. first became involved, which was in September of 1991. We have sponsored quite a few of the resolutions that were adopted, notably Resolution 770, on the all appropriate means; Resolution 771, which establishes the principle that people guilty of war crimes in Bosnia-Herzegovina or in all of former Yugoslavia can be brought before an international tribunal to be tried for their crimes. (We?) sponsored the Resolution 757 which is the resolution that established comprehensive economic sanctions against Serbia and Montenegro. So I think you can safely say that the United States has played a leading role, perhaps even the leading role, in the United Nations in putting together what we consider to be a comprehensive international front against Serbian aggression in Bosnia-Herzegovina and in favor of a peaceful settlement to the crisis.

MS. VAN ETTEEN: Thank you, Abu Dhabi. And now it's on to Pakistan. Go ahead, please.

Q: Mr. Thomas Niles, in Pakistan, a good number of people feel that the United Nations, or the U.S.-led team at the United Nations, has not been fair by putting embargo of arms to both the parties -- that is, Serbia and Bosnia -- because, as you know very well, the Belgrade has -- (inaudible) -- the arsenal of the former Yugoslav republic, while the poor Bosnians have hardly any weapons. So what is -- (inaudible) -- logic in this kind of position? Would you kindly explain?

MR. NILES: Well, I understand this problem, the point you made, and I sympathize with it, because you are quite correct in saying that the Serbian forces in Bosnia were given substantial arms by the Yugoslav army, and indeed continue, we believe, to be supplied by Serbia with arms and munitions as the fighting goes on, while the forces of President Izetbegovic and the government of Bosnia did not inherit large quantities of arms. They had some that were there at the time of the collapse of former Yugoslavia but were clearly the less well-armed party.

There are two ways to deal with this problem. One is, of course, as you suggest, would be to give arms to the Bosnian side and thereby even the playing field in this way. Our approach has been a different one. Our approach has been to try to take the arms away from the Serbian side, particularly those arms which have enabled them to shell the cities, such as Sarajevo, or bomb civilian targets. We're thinking particularly of the aircraft that they inherited from Yugoslavia and the large tube artillery and heavy mortars.

Now, in the case of the aircraft, we have, I believe, effectively taken that arm of their weaponry away from them with the no-fly-zone resolution. Now, the Serbs in Bosnia have said that they plan to take those airplanes -- I think there are about 29 or 30 of them -- out of Bosnia and send them to Serbia. They've not yet done that, but since the resolution was adopted, or the day after the adoption of the resolution, the aircraft have not been in the air. So whether they move or don't move or exactly when they move out of Bosnia, it doesn't seem to make a lot of difference since they're not being used. If they are used, as I made clear in response to a previous question, we intend to go back to the

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Security Council to seek authorization to enforce the no-fly zone resolution.

Now, in the case of tube artillery and mortars, of which the Serbs have a great many and the Bosnians have very few, or tanks, what we're trying to do there is to secure U.N. supervision and monitoring, and ultimately control of that weaponry, particularly around the major cities -- Sarajevo, Yitse (?), Tuzla, Goradze, Bihac, et cetera, thereby, in one way or another, leveling the playing field and ensuring that this large advantage that the Serbs did have as a result of inheriting all this armament from the Yugoslav army is effectively taken away from them.

I personally think that's a better approach to the one of giving arms, airplanes or tube artillery or whatever to the Bosnian forces, which would, of course, be a violation of the Security Council resolution establishing an arms embargo and would not, at least not immediately, even out the relationship between the Serbs and the Bosnian Muslims. Now, what it would do, though, is to ensure that a great deal more people are killed and that the level of violence in Bosnia would probably increase. What we're trying to do is to lower the level of fighting.

MS. VAN ETEN: Thank you, Islamabad. And now let's return to Cairo for more questions. Go ahead, please, in Cairo.

Q: Mr. Ambassador, I want to ask you a question about the U.S. elections, and how far do they affect your decisions in interfering in the problem in Bosnia right now?

MR. NILES: Well, you're quite right; we do have elections on the 3rd of November. But as far as I'm concerned, there has been no interplay between the election campaign and policy as it relates to Bosnia-Herzegovina or the Yugoslav crisis overall. Foreign policy has, by and large, not been a big issue in this election campaign. There has, of course, been some discussion, for example, of the events leading up to the Iraqi seizure of Kuwait in July-August of 1990, and some brief discussion of the situation in arms control negotiations between the United States and Russia during the vice presidential debate, but largely the campaign itself and the debates between the three presidential candidates and the two vice presidential -- three vice presidential candidates -- have focused on domestic issues, economic issues particularly. So I don't think that there really has been a role here for election-year politics. Governor Clinton has made a few statements in the past about the situation in Bosnia-Herzegovina and how he feels it should be handled, which did not differ in fundamental detail from those -- from the positions taken by President Bush and by the administration.

Q: Mr. Ambassador, I think that the American highly-valued human rights issue is being tested right now because of your (last?) position towards the crisis in Bosnia. How do you comment on this?

MR. NILES: I assume from your question that you think we're not concerned about or sufficiently concerned about the human rights of the people of Bosnia, specifically the Muslim population which is being affected so seriously by Serbian policies of ethnic cleansing. I would have to take issue with that assumption. The United States has been at the forefront

of countries that have called attention to what was going on in Bosnia-Hercegovina and calling for action by the international community, by the U.N., by the European Security Conference, by other organizations, to deal with that crisis. I would call attention to the fact that it was Secretary of State Baker at the Lisbon conference on assistance to Russia and other newly-independent states on the 22nd, 23rd of May of this year who first referred to the situation in Bosnia-Hercegovina as a humanitarian nightmare and made a particular effort to call international attention to the Serbian efforts to cleanse large areas of Bosnia-Hercegovina of the non-Serbian population.

That speech by Secretary Baker in Lisbon led directly to United Nations Security Council Resolution 757, which imposed comprehensive economic sanctions on Serbia-Montenegro. So my feeling is that the United States has not been in any way backward or inactive in efforts to protect the human rights of the people of Bosnia; quite the contrary, we've taken the lead in trying to secure international condemnation of this Serbian policy and to secure effective international action.

Now, on the humanitarian front, to try to deal with the problems of probably a million or maybe more, 1,250,000 refugees created by this Serbian policy, the United States also has taken a leading role in providing assistance to the High Commissioner for Refugees, Madam Ogata, and in trying to find better ways to deal with the problem in Bosnia-Hercegovina itself.

Q: Yes, Mr. Ambassador, what I can't understand is that the United States is willing to use power to protect whatever aid they put into the Bosnia area while at the same time it's not ready to use the power to stop the Serbs from attacking Bosnia.

MR. NILES: Well, you're dealing in Bosnia-Hercegovina, at least, with a very complicated and complex situation which resembles a civil war between two or three communities, the Croatian, Serbian and Bosnian Muslim populations there. To use military force in that confused and confusing environment is a very, very difficult undertaking and one that, from our point of view, and in the view of our military experts, would not be terribly promising. Now, in my view -- and I think generally speaking here in Washington, the view is that the solution to the problems of Bosnia-Hercegovina lies not in Bosnia-Hercegovina but rather in Serbia. And that reflects our view that the government of Serbia is fundamentally responsible for what's been going on in Bosnia-Hercegovina since the crisis broke out there in March of 1992.

What we have done is, in effect, to use very, very strong measures against Serbia, comprehensive economic sanctions which have essentially broken the Serbian economy and made it, I think, practically impossible for Serbia to continue to prosecute the war in Bosnia-Hercegovina. That, in a sense, amounts to economic warfare by the international community against Serbia. Now, we have not used military force against Serbia; you're right in that respect. But we've used every other means short of military intervention against Serbia, and I think that policy will pay off, will bear fruit.

MS. VAN ETEN: How long are you willing to go with that policy?

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MR. NILES: Well, that's a good question. Obviously, there is a certain point at which you have to take a look at your policy and ask whether it is effective, whether it's working. We believe that the policy is working. Now, I certainly recognize the criticism that could be launched against that policy, and perhaps our listeners feel that criticism or would express that criticism, that while we wait or while we watch the impact of economic sanctions on Serbia, thousands, hundreds of thousands of people are being driven from their homes in Bosnia-Herzegovina. That is a humanitarian disaster or humanitarian nightmare, as Secretary Baker described it in May.

We're trying to do the best we can with the international agencies -- the United Nations High Commissioner for Refugees, International Commission of the Red Cross -- to find ways to deal with the humanitarian problems. But it is a good question you raised. I don't think that the patience of the international community in the face of this disaster is limitless. But we do feel, on the basis of what we see happening in Serbia, the political tensions which are obviously rising in that country because it's clear that the policy of President Milosevic has brought disaster to the country and people are obviously asking the question, "Well, if this is the kind of leadership we've gotten from this guy, shouldn't we take another look at our leadership?" We think that these signs indicate that the policy is working and will pay off.

MS. VAN ETEN: Thank you, Cairo. And we move on now to Amman. Please go ahead in Amman.

Q: I would like to ask you, don't you think that some kind of protection should be provided now for the Bosnians until a permanent solution is found? And please, how do you think that could be achieved? Thank you.

MR. NILES: Indeed, I do believe that the international community should use every means available to it to protect the people of Bosnia, people who are still in Bosnia and those who have been forced to leave Bosnia who are refugees in Croatia or elsewhere in former Yugoslavia, or even outside former Yugoslavia. And efforts are under way in the context of the work undertaken by the U.N. High Commissioner for Refugees and the International Commission of the Red Cross to do just that.

The difficulty, of course, is that we're trying to provide humanitarian support and relief at the same time a war is going on. Just today, for example, the flights that the United States and other countries have been conducting into Sarajevo were broken off, in this case because of fighting around the airport between not just -- not Serbian and Muslim forces, but between Croatian and Muslim forces. Some of the roads that have been used to move humanitarian supplies from Split and Ploce on the Adriatic into the interior of Bosnia-Herzegovina have also been broken off as a result of fighting. So it's not an easy undertaking that the world community has on its hands right now to try to provide support, protection for the people of Bosnia, and, of course, ultimately to end the war and to create conditions in which they can return to their homes, which is our fundamental objective here.

The no-fly zone is also an effort to protect the people of Bosnia because the Serbian aircraft had been used to bomb civilian targets. Now, that

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activity has been stopped. The bombardment of Sarajevo and other cities by large artillery in the hands of the Serbs is another problem and one which we're trying to deal with by establishing U.N. control and supervision over those weapons. So we're moving on a number of fronts simultaneously to try to protect the people of Bosnia. Our efforts are hampered by the fact that the war is going on, by the dislocations caused by the war, and by, of course, the fact that in Bosnia-Herzegovina, winter begins just about now, and snow is falling in some of the higher elevations around Sarajevo, which happened to be the site of the 1984 Winter Olympics, so it's kind of an Alpine area. And delivery of humanitarian supplies during this winter will be a very, very big task for the international community.

Q: Mentioning the no-fly zone, I would like to ask why was the U.S. hesitant to impose a no-fly zone over Bosnia while the action was so fast in Iraq.

MR. NILES: Well, I'm not sure that we could be accused of being hesitant. The war broke out around the middle of March, first of April. The no-fly zone was imposed, as you're correct perhaps in pointing out, in October. The possibility or the idea of imposing a ban on use of military aircraft in Bosnia-Herzegovina was first raised at the London conference in August -- August 26th, 27th, when the London conference took place. So I'm not sure we can be accused of being too hesitant in imposing this no-fly zone. The use of aircraft by the Serbs is fairly recent, in my recollection. It's not a problem that was cited very much during the earlier phases of the war in Bosnia-Herzegovina. But it has become, or it became over the summer and into the fall, a serious problem, and the international community did take action in this resolution, which was passed, I think, on the 12th of October. We now have effectively taken that military capability away from the Serbian forces in Bosnia.

Q: The conflict erupted in March, and about 40,000 people have been killed so far; a million people have been displaced. These talks are going on in Geneva, and yet on the ground we see continuous Serbian attacks on Sarajevo. You said your patience was not limitless. What would it take to wear your patience out? What would it take for the United States to militarily intervene and stop this human slaughter in Sarajevo?

MR. NILES: I think you have to look at the alternatives to military intervention, and in my view, exhaust those alternatives before you move to the use of force. For example, if we determined, which we haven't done, that the economic sanctions against Serbia simply were not working, that somehow or other Serbia was able to maintain its military support for the war in Bosnia despite the economic sanctions, obviously that would have -- were that to be decided, were we to reach that conclusion, that would obviously be an important factor. But that hasn't happened. And, in fact, I think the message or the lesson that we're drawing and the lesson that the government of Serbia is drawing is that the economic sanctions are, in fact, having a very, very major impact on the Serbian economy.

The other side is the work that's going on in the peace conference in Geneva under the auspices of the United Nations and the European Community, led by former Secretary of State Vance, former Foreign

Secretary Lord Owen. Now, that process is making progress. It has not resolved all the problems yet, but as long as we see a success likely in that peace process in Geneva, I think the inclination not just of the United States but of the entire international community would be to let that process work and to support it in every way we can through pressures on Serbia, economic and political. So although I agree, and I said it myself, that our patience is not limitless -- not just our patience; the patience of the international community is not limitless -- the fact remains that at least in my view, the other measures short of the use of force that we've adopted -- economic pressures and, of course, the peace conference -- are very promising.

MS. VAN ETEN: Thank you, Amman. And let's return now to Abu Dhabi for more questions and comments. Go ahead, please.

Q: Mr. Ambassador, it's difficult to comprehend, on one hand you say the situation cannot be compared to Iraq; on the other, you concede that Bosnia is an independent country whose sovereignty has been violated. On one hand, you say you have to wait and look at other procedures; on the other, the United Nations, at the initiative of the U.S., took a very quick and fast action in Iraq. And thirdly, you say it's a situation where there's a civil war going on in Bosnia. A similar situation was in Iraq when the Shi'ite rebels in the south were given this protection. Why can't the United Nations or the U.S. take initiative similar to that?

MR. NILES: Well, first, let's take a look at the two situations, the two crises, the Iraqi invasion of Kuwait in August of 1990 and the war in Bosnia-Herzegovina. In the case of the invasion of Kuwait by Iraq, you had a very clear violation of international law, the invasion and seizure by one country of another country, a member of the United Nations, a sovereign country; no question that international law had been violated, no question, in our view, and indeed in the view of our friends in the Middle East and countries around the world, that there had to be an appropriate international response to this violation of international law, which there was.

Now, in the case of Bosnia-Herzegovina, although it is quite true that there is major Serbian intervention in Bosnia-Herzegovina, the fact remains that you do have a different kind of situation there with one of the three communities, the Serbian community, supported, in fact, by Serbia-Montenegro, former Yugoslavia, seeking to create a new political reality by the use of force. The international community, led by the United States, has taken very strong measures, including in some cases the use of military assets -- aircraft, for example, for humanitarian purposes -- to deal with that crisis. But as I said in response to another question, similar question, military experts looking at the situation in Bosnia-Herzegovina are very hard-pressed to come up with any way in which military force could be used effectively to stop the war, the fighting which is under way there in various parts of that country.

Your reference to the establishment of protected zones in Iraq, the protection of the northern area, of the Kurdish-inhabited area, and the area in the south inhabited by the Shia population, I think it's also a little bit different. Those situations are a little bit different than what we have in Bosnia-Herzegovina, although I will say that the

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establishment of the no-fly zone in Bosnia-Herzegovina is perhaps an example or represents, following the example of the successful efforts to protect the Kurdish population in northern Iraq and the Shia population in southern Iraq. So some of the same things have, in fact, been done.

Q: (Inaudible.) Your excellency, could you please clarify that there are a number of accusations saying that the United States is moving very slowly to solve the problem of the Serbians as far as the problem of the Bosnians, the Serbians clearing the people there at the same time sanctions are not working, while the people in Bosnia need security more than the humanitarian aid. What do you comment on this (thing?), your excellency? Thank you.

MR. NILES: Well, first, we believe the economic sanctions are working. Economic sanctions take time to work.

MS. VAN ETEN: Could I ask you what proof you have, what evidence, what feedback are you getting to prove that they are working?

MR. NILES: Well, for example, the fact that a very substantial part of industry in Serbia is closed down; that the Serbian economy is effectively grinding to a halt; that you have a hyperinflation situation in Serbia. These are all signs that the economic sanctions against Serbia are, in fact, having the effect which they were designed to have. Now, the problem here -- and I recognize there is a problem -- is to translate the pressures in the economic area to concrete political actions by the government of Serbia. But we do believe that the Serbian authorities will, in time -- whatever policies they may adopt, Serbian authorities will increasingly be unable to supply and support the war in Bosnia-Herzegovina. And --

MS. VAN ETEN: At this point they still are -- (inaudible)?

MR. NILES: We believe -- yes, indeed, we believe they still are, that Serbia continues to provide support assistance to the Serbian forces fighting in Bosnia-Herzegovina.

MS. VAN ETEN: I mean, are you projecting in six months, in three months, that impact will be felt in the fighting, in the war effort?

MR. NILES: We think the effect is already visible, notable, visible in the ability of the forces in -- Serbian forces in Bosnia-Herzegovina to continue their war. These forces are not able to do today some of the things that they were able to do two, three, four months ago. Their supplies of fuel and their supplies of armaments, their supplies of equipment, are becoming much tighter, much more restricted. So we do see that these economic sanctions are having a major impact both in Serbia and then in Bosnia, and we're going to continue to tighten these sanctions. So I think it's important that you understand that we're not dealing here with a policy that has failed and that the economic sanctions are having a major impact, having the impact that we wanted them to have.

MS. VAN ETEN: Thank you, Abu Dhabi. And we continue our dialogue now in Islamabad. Go ahead, please.

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Q: Mr. Ambassador, I hope you will agree that the conflict in Bosnia is a test case after the demise of the Soviet Union. It is a test case in the sense that many new -- (inaudible) -- some are larger, but mostly small. Now, it appears that the United Nations or the Security Council, which in the past has dealt with much bigger -- conflicts of much bigger magnitude, more serious and more explosive, how come that in this -- this is a very important case, otherwise would I say a tiny country in a sense and a small country is involved -- (inaudible). So how it comes that the United Nations has taken certain measures -- and I do not attach any motive for not taking other measures. If we accept your logic, then it appears that Security Council is -- (inaudible). It just can't help -- (inaudible) -- country. And it appears similar country -- (inaudible) -- there are ethnic problems. There are big neighbors. (Inaudible) -- big countries, some in small countries -- (inaudible) -- it will not be the superpower, but still a superpower. So what I would like to know, number one, in the United States, is there any thinking to have some sort of a crisis management of this nature at the U.N. level or at the European level or other (regional levels)? And number two, I am sorry to say I am still not convinced that the U.N. has done what it could have done. Thank you.

MR. NILES: Well, you raise a very good point about the impact of the crisis in Bosnia-Herzegovina, former Yugoslavia, on the international order that we are all trying to establish in the wake of the end of the Cold War and the collapse of the Warsaw Pact, disappearance of the Soviet Union. We consider it to be extremely important in establishing this new order that the aggression conducted by Serbia in the former Yugoslavia against Croatia, against Bosnia-Herzegovina, not be allowed to succeed. It's very important that President Milosevic's efforts to create by force a so-called greater Serbia should fail, because were he to succeed, the precedent that would be set in this new international order emerging from the end of the Cold War would be a very damaging, a very dangerous one.

As you suggest in your question, Yugoslavia, or former Yugoslavia, is by no means the only sensitive issue on the European map today. There are others potentially, and there are other cases where ambitious, perhaps nationalistic leaders, if they were to see that in the end Mr. Milosevic succeeded to create by force a greater Serbia, might be encouraged to do the same and might decide that, well, the international community will adopt some resolutions in the United Nations, impose some sanctions, but in the end the international community will not have the will, the resolve, the staying power, to pursue this course and will ultimately acquiesce in whatever conquest we were able to make. That would be an extraordinarily dangerous development, in my view, not just for the countries involved, but for the entire world community. And so it's very important, in our view, that this effort, through the United Nations, succeed in stopping the effort to create by force a greater Serbia.

Now, you asked about the role of the United Nations and the role of other organizations in trying to deal with the crisis in former Yugoslavia. I think the United Nations has been quite successful in mobilizing resistance to the efforts of Serbia to create by force this new country, greater Serbia. The imposition of a U.N. peacekeeping force in Croatia at the beginning of this year, in March of this year, was a major contribution to an effort to find a peaceful solution, and the resolutions on sanctions and other efforts against Serbia have also, I think, been a

major contribution.

What the United Nations does not have, has not had to date, is, as opposed to a peacekeeping capability, which we see in Croatia with this so-called UNPROFOR force, or we see in the Middle East or we see in Cyprus, is a peacemaking capability. Maybe that's beyond the capability of the United Nations today, beyond the capability of the members to agree on the terms and conditions under which the international community would acquire a peacemaking capability.

Secretary General Butros-Ghali, in his agenda for peace, has called for actions by the member states to make forces available in advance to the secretary general, to the Security Council, and these proposals are being examined. And I think the examination of the proposals put forward by the secretary general, against the background of what has happened, the way in which the situation in Yugoslavia will develop, will be a very important effort by the international community to be better able in the future to deal with crises of this type.

Likewise in Europe, the regional European organizations, such as NATO and the CSCE, the Conference on Security & Cooperation in Europe, the Western European Union, are all in the process now of trying to determine how their structures and their capabilities should be adjusted to deal with crises such as the crisis we see in former Yugoslavia. NATO, for example, was established for the purpose of protecting the security of the 16 members of NATO against the Warsaw Pact, against an attack by the Soviet Union and its allies. Now, of course, the Warsaw Pact no longer exists; the Soviet Union has disappeared. Most of the Soviet forces that were arrayed against NATO, particularly in what used to be the German Democratic Republic, have been withdrawn. The rest are coming out. So NATO today is faced with the responsibility or the need to develop a new approach to dealing with the real security problems of Europe. And this will be an important agenda item for NATO in the months and years ahead.

MS. VAN ETEN: Thank you, Islamabad. We begin another round of Dialogue and we go to Cairo right now. Go ahead, please, in Cairo.

Q: Do you support taking up war crimes tribunal against Serbian warlords? And if you do, what are the real measures taken by the U.S. government?

MR. NILES: In answer to your question, yes, we do favor the establishment of a tribunal to deal with war crimes committed by all people who might be guilty of them in former Yugoslavia. This is primarily aimed at the Serbian officials who have participated in one way or another in the policy of ethnic cleansing. The United States has supported the resolution in the Security Council, Resolution 771, and the subsequent resolution which established a commission which will function, in a way, as in our system of jurisprudence, as a grand jury might function, looking at the evidence against individuals and trying to determine whether sufficient evidence exists to begin a case, a legal case against an individual accused of war crimes.

The United States is engaged, together with other countries, in a major effort to collect information on war crimes or potential war crimes from the field, from Bosnia-Herzegovina and Croatia, for example, where these

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crimes have, in fact, been committed. The United States has submitted a great deal of information to the United Nations on these crimes, and we are continuing to accumulate more facts, more data, as we find out more about what has, in fact, happened in Bosnia-Herzegovina. And indeed, some truly horrible crimes have been committed, and we are committed ourselves to proceed with the effort under Resolution 771 to try those responsible.

Q: Come winter, the Serbs are going to escalate their attack on Bosnia, trying to achieve their ambitions there, which they have shown no signs of giving up on. That would cause a lot of killing. Given the fact that your approach of trying to (disarm?) the Serbs rather than to arm the Bosnians is not working, according to the Bosnians, at least, and according to -- (inaudible) -- being reported there every day -- (inaudible) -- going to cause more suffering, more ways -- (inaudible) -- European countries, drawing other countries into the conflict, and then you have to lead an effort of larger magnitude than you would have had now had you approached -- had you embarked on a preventive plan of deterrence. And that would then -- (inaudible) -- the fact that the new world order, which has been propagated by the -- (inaudible) -- is nothing but bankrupt. Thank you.

MR. NILES: Well, I would say that you have put forward what we would call the worst-case scenario in which everything we've undertaken fails and the other side, in this case the Serbian side of the conflict, is able to carry out its policies more or less without restraint or constraints imposed by the international community. I simply don't agree with you that this has happened or is likely to happen. I do agree, though, that the international community -- the United States, Western Europe and other countries -- faces an enormous humanitarian task in trying to deal with the consequences of the policies of ethnic cleansing, taking care of the refugees both in Bosnia-Herzegovina, of whom there may be as many as a million, as well as the refugees who have been driven out of Bosnia-Herzegovina, who are in Croatia, Slovenia, or outside former Yugoslavia. That's going to be a monumental task, particularly during this winter, and I don't want to minimize it in any way.

But as far as the ability of the Serbs to pursue the war against Bosnia-Herzegovina, to continue the attacks on the major cities, for example, we believe that we're on the right track in taking away from them the capability to carry out that war, specifically by removing their air force, by grounding it, which we've been able to do under the no-fly zone resolution. And we hope in the weeks ahead to deprive them of their heavy artillery so that the attacks on the major cities will not be possible.

Q: (Inaudible.) Ambassador Niles, can you characterize the measures to be taken to put an end to the fighting in Bosnia following the failure of the EC and U.N. efforts to find a negotiable solution?

MR. NILES: Well, I don't accept the premise that the efforts by the U.N. and the European Community, in which the United States is participating at the Geneva conference, have failed. Indeed, if you look at what's happening in Geneva -- meetings there, for example, between the president of Serbia and the president of Bosnia-Herzegovina yesterday, meetings between the presidents of Serbia and Croatia -- those peace conference efforts in Geneva are making progress. Step by step, new structures are

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being put in place which we believe will have the effect of reducing and ultimately stopping the fighting and establishing a new basis for constitutional order in Bosnia-Herzegovina.

So I don't accept the premise that our policy has failed. I don't accept the premise that the economic sanctions aren't working. I think they are. And I think also that the political pressures against Serbia-Montenegro are having a very pronounced effect on the ability of that country to continue to pursue the war in Bosnia.

O: (Inaudible.) Well, I have a short question that, as you also just now explained the situation on the ground in Bosnia is horrible, humanitarian and otherwise, but yet you say the patience of the international community is not yet exhausted. When do you think the patience is exhausted, when the ethnic cleaning is complete, when the entire population is eliminated?

MR. NILES: Well, obviously our efforts are designed to ensure that ethnic cleansing is stopped and its effects are reversed, that the refugees currently either in Bosnia-Herzegovina or outside Bosnia-Herzegovina can return to their homes. We do not accept and will not accept the effort by Serbia to create what might be a new political reality in Bosnia-Herzegovina by driving the people of non-Serbian ethnic background from their homes. And we will continue to pursue the policies that we've been pursuing. And we have, I believe, some basis for confidence that in time we will be able to achieve our objectives. I've stated them before, but let me just state them again:

To demonstrate that the effort by the government of Serbia to create a greater Serbia through the use of force will not succeed; to secure international recognition of the independence, sovereignty, territorial integrity of the countries, the successors to the former Yugoslavia, and recognition by Serbia of the independence, territorial integrity of Bosnia-Herzegovina, Croatia and the other states of the former Yugoslavia, and to find some new mechanism whereby, over time, the international community can deal more effectively with crises of this kind, because I'm afraid that what has happened in former Yugoslavia will not be the first and last case of this kind.

MS. VAN ETTEN: And that is the last word for today. We are out of time. Ambassador Thomas Niles, thank you very much for joining us today. I'd also like to thank our participants in Cairo, Amman, Abu Dhabi and Islamabad for their questions and comments.

In Washington, I'm Betty Van Etten for Worldnet's Dialogue.

NNNN

## DOCUMENT 16

U.S. GIVES \$21 MILLION MORE TO AID YUGOSLAV REFUGEES  
(Text: State Department statement) (390)

Washington -- The United States is contributing an additional \$21 million to international organizations to provide assistance to refugees and displaced persons in the former Yugoslavia, the State Department announced November 3.

Six international organizations will share the new contribution, according to a written statement issued by department spokesman Richard Boucher. The U.S. has already contributed more than \$100 million in funds and supplies to assist and protect refugees in the former Yugoslavia.

Following is the text of Boucher's statement:

(begin text)

Recognizing the great human tragedy in the former Yugoslavia and the urgent need to prepare for the approaching winter, the United States is contributing a further 21 million dollars to international organizations to provide assistance and protection to refugees and displaced persons.

The United States has already contributed more than 100 million dollars in cash and in kind to assist and protect refugees in the former Yugoslavia.

The new contribution of 21 million dollars will be divided among six international organizations as follows:

-- 10 million dollars to the United Nations High Commissioner for Refugees (UNHCR) for winterization programs in Bosnia, Croatia and Slovenia, where timely assistance can mean the difference between life or death for thousands of persons.

-- 3 million dollars to the International Committee of the Red Cross (ICRC) for its efforts to provide relief to released detainees and to refugees in remote areas to which ICRC has access.

-- 2 million dollars to the International Federation of the Red Cross to help strengthen and reinforce local Red Cross offices, particularly in Croatia but also in Slovenia, which bear the burden for food and relief distributions to refugees in these areas.

-- 3 million to UNICEF, which deals primarily with the needs of children, to support its programs. A portion of this money will be used to provide psycho-social support for children traumatized by the conflict and dislocation.

-- 1 million to the World Food Program (WFP), which has taken over the responsibility for receiving shipments of relief commodities, to help ensure the allocation of emergency food commodities in a timely manner.

STATEMENT OF GERALDINE A. FERRARO  
 HELSINKI COMMISSION HEARING  
 WASHINGTON, D.C.  
 APRIL 21, 1993

I WANT TO THANK YOU, MR. CHAIRMAN, FOR THE OPPORTUNITY TO APPEAR BEFORE THIS DISTINGUISHED COMMISSION TO ADDRESS THE SITUATION IN THE FORMER YUGOSLAVIA.

THOUGH I HAVE VIEWS ON HOW THE WAR CRIMES TRIBUNAL SHOULD BE SET UP, HAVING STUDIED THE NUREMBERG TRIALS, I DEFER TO MY COLLEAGUES ON THE PANEL TO DEAL WITH THAT ASPECT OF OUR DISCUSSION TODAY.

INSTEAD, WHAT I WOULD LIKE TO DO IS FOCUS ON THE WAR CRIME THAT WAS NOT DEALT WITH SUFFICIENTLY AT NUREMBERG AND WHICH I AND MANY WOMEN THROUGHOUT THE WORLD ARE DEDICATED TO MAKING AN ISSUE OF WHEN PEACE IS RETURNED TO THE FORMER YUGOSLAVIA, IF NOT BEFORE. THAT WAR CRIME IS RAPE.

RAPE AS A PART OF WAR IS NOTHING NEW. SUSAN BROWNMILLER IN HER BOOK AGAINST OUR WILL, TELLS US THAT RAPE HAS ACCOMPANIED WARS OF RELIGION -- THAT KNIGHTS AND PILGRIMS TOOK TIME OFF FOR SEXUAL ASSAULT AS THEY MARCHED TOWARD CONSTANTINOPLE IN THE FIRST CRUSADE. THAT RAPE HAS ACCOMPANIED WAR OF REVOLUTION -- GEORGE WASHINGTON'S PAPERS FOR JULY 22, 1780, RECORDED THAT A SOLDIER WAS SENTENCED TO DEATH FOR RAPE AT PARAMUS. THAT RAPE WAS A WEAPON OF TERROR AS THE HUN MARCHED THROUGH BELGIUM IN WORLD WAR I. THAT RAPE WAS A WEAPON OF REVENGE AS THE RUSSIAN ARMY MARCHED TO BERLIN IN WORLD WAR II.

MILLENNIA BEFORE THE RAPE OF THE SABINE WOMEN, WARRING TRIBES FOUGHT TO SECURE WOMEN AS THEY FOUGHT TO SECURE FOOD AND TERRITORY. EVEN AMONG SO CIVILIZED A CULTURE AS THE ANCIENT GREEKS, RAPE WAS CONSIDERED WITHIN THE ACCEPTABLE RULES OF WARFARE. WOMEN, LIKE FIELDS OR HOMES, WERE LEGITIMATE BOOTY.

SUCH ATROCITIES HAVE CONTINUED THROUGHOUT THE CENTURIES TO MODERN DAYS. MASS RAPES TOOK PLACE IN NANKING IN 1937. IN BANGLADESH, PAKISTANI SOLDIERS REPORTEDLY RAPED 200,000 BENGALI WOMEN IN THAT NINE MONTH CONFLICT IN 1971. EVEN OUR OWN TROOPS WERE GUILTY OF RAPE IN CONNECTION WITH THE MY LAI MASSACRE IN 1973.

YET AT SOME POINT IN HUMANKIND'S PROGRESS, WE REACHED A NEW LEVEL ON OUR MARCH TO CIVILIZATION. WE SAW RAPE FOR THE BRUTALITY IT IS, A CRIMINAL ACT OUTSIDE THE LEGITIMATE PROVINCE OF A PROPER WARRIOR. WHY THEN DOES IT CONTINUE TODAY?

I SUGGEST THAT IT CONTINUES BECAUSE THERE IS LITTLE PUNISHMENT FOR THIS INHUMANE BEHAVIOR. THE SITUATION IN THE FORMER YUGOSLAVIA

GIVES THE CIVILIZED WORLD AN OPPORTUNITY TO CHANGE THAT.

WHEN I FIRST STARTED READING NEWS REPORTS OF THE SYSTEMATIC RAPE OF MUSLIM WOMEN AND CHILDREN IN BOSNIA-HERZEGOVINA, I WAS BROUGHT BACK ALMOST TWENTY YEARS TO THE MID-SEVENTIES WHEN, BEFORE GETTING INTO THE BUSINESS OF POLITICS, I WORKED AS AN ASSISTANT D.A. IN NEW YORK CITY HANDLING SEX ABUSE CASES.

VICTIM AFTER VICTIM WHOM I HAD HELPED GET THROUGH OUR CRIMINAL JUSTICE SYSTEM CAME TO MIND. THE SIX YEAR OLD WHO WAS SO SAVAGELY RAPED THAT SHE REQUIRED TWO WEEKS IN THE HOSPITAL FOR VAGINAL REPAIR. THE GIRL IN HER PAROCHIAL SCHOOL UNIFORM WHOSE FAMILY HAD TO BE RESTRAINED IN COURT FROM ATTACKING THE DEFENDANT. THE YOUNG WOMAN WHO WAS IN SUCH A STATE OF SHOCK, EVEN A WEEK LATER, THAT SHE COULDN'T LOOK AT ME DURING OUR INTERVIEW AND FOUND DIFFICULTY RELATING THE FACTS. THE EIGHTY-YEAR-OLD WOMAN WHO WOULD NOT LEAVE HER HOME TO COME TO OUR OFFICE BECAUSE SHE WAS ASHAMED TO FACE HER NEIGHBORS. BUT AS DIFFICULT AS IT WAS FOR THOSE VICTIMS THIS SITUATION IN THE FORMER YUGOSLAVIA IS WORSE.

IN HIS REPORT, MR. MAZOWIECKI, THE SPECIAL RAPPORTEUR APPOINTED BY THE HUMAN RIGHTS COMMISSION, SAID THAT IN BOSNIA-HERZEGOVINA, RAPE IS NOT SIMPLY A FEATURE OF WAR, BUT IS BEING USED AS A WEAPON OF WAR. THAT SORDID FACT, THE SHEER NUMBERS AND THE HORRIFIC DETAILS OF EACH OF THE CASES, COMBINE TO PUT THIS SITUATION IN A CLASS OF ITS OWN. BUT THERE ARE OTHER DISTINCTIONS.

MY VICTIMS IN QUEENS WERE PICKED RANDOMLY. THESE VICTIMS IN BOSNIA HERZEGOVINA ARE BEING VIOLATED SYSTEMATICALLY BECAUSE OF THEIR RELIGION AND THEIR ETHNICITY.

THE VICTIMS IN QUEENS HAD BEEN ASSAULTED ONCE BY AN ASSAILANT. AS IN BERLIN, AS IN NANKING, AS IN BANGLADESH, AS IN VIETNAM THESE VICTIMS HAVE BEEN DRAGGED OUT OF HOMES, HELD PRISONER AND RAPED REPEATEDLY OVER WEEKS AND MONTHS. UNTOLD NUMBERS HAVE BEEN GANG RAPED.

MY VICTIMS RECEIVED IMMEDIATE MEDICAL ATTENTION. THESE VICTIMS HAVE NOT. LET ME READ FOR YOU FROM TRAFFIC THAT CAME ACROSS MY DESK IN GENEVA.:

"C.C. IS A MARRIED 25 YEAR OLD BOSNIAN MUSLIM FROM THE VILLAGE OF DABOVCI. ON AUGUST 13, SERBIAN FORCES CAME AND OCCUPIED THE VILLAGE. WOMEN AND CHILDREN, AS WELL AS THE FEW REMAINING MEN WHO HAD NOT GONE OFF TO FIGHT, WERE ROUNDED UP AND SEPARATED INTO GROUPS. THE WOMEN WERE TAKEN TOWARD THE HOUSE WHERE THE SERBIAN FORCES HAD ESTABLISHED THEIR HEADQUARTERS. AT AROUND 8 TO 9 P.M., WHEN IT BEGAN TO GET DARK, THE GUARDS BEGAN TO PICK OUT WOMEN AND TO TAKE THEM OUT OF THE HALL. C.C. CANNOT REMEMBER THE EXACT TIME WHEN THE GUARDS CAME FOR HER. BUT TWO GUARDS EVENTUALLY WALKED UP TO HER AND TOLD HER TO LEAVE HER CHILD BEHIND AND FOLLOW THEM. SHE WAS TAKEN TO AN ALCOVE AND TOLD TO UNDRRESS. WHEN SHE REFUSED, SHE

WAS HIT ON THE BACK WITH A GUN. WHEN SHE FELL TO THE FLOOR, THE GUARD WHOM SHE ASSUMED TO BE THE LEADER OF THE GROUP, STARTED TO PULL OFF HER CLOTHES AND RAPED HER. AFTER THIS GUARD LEFT THE ALCOVE, THE REMAINING GUARDS KEPT HER THERE AND CONTINUED RAPING HER. C.C. DOES NOT REMEMBER WHETHER IT WAS 4 OR 5 GUARDS WHO RAPED HER IN THE ALCOVE. WHEN C.C. RETURNED TO THE LARGE HALL, SHE JOINED HER MOTHER-IN-LAW WHO HAD BEEN TAKING CARE OF HER BABY. C.C. WAS BLEEDING AND TOTALLY DISHEVELLED AND VERY ASHAMED TO BE SEEN IN THAT STATE BY HER MOTHER-IN-LAW. C.C. THEN NOTICED ABOUT 15-20 WOMEN WHO WERE IN THE SAME PHYSICAL STATE THAT SHE WAS.

SOMETIME LATER THAT SAME NIGHT, C .C. WAS TAKEN TO THE SECOND FLOOR OFFICES OF THE FACTORY BY A GUARD. SHE WAS TOLD TO KEEP HER HEAD DOWN. WHILE DOING SO, SHE THINKS SHE COUNTED ABOUT 10 PAIR OF SHOES IN THE CIRCLE OF MEN SURROUNDING HER. SHE WAS TOLD TO UNDRESS. WHEN SHE REFUSED, SHE WAS HIT ABOUT THE FACE. THE RAPING THEN BEGAN. C.C. CANNOT REMEMBER ANYTHING AFTER THE 5TH OR 6TH MAN RAPED HER. SHE WAS EVENTUALLY ALLOWED TO GO BACK TO THE MAIN HALL. SHE WAS BLEEDING BADLY AND WAS VERY DIZZY. SHE FELL DOWN THE STAIRS COMING OUT OF THE FACTORY OFFICES. SHE EVENTUALLY MADE HER WAY BACK TO HER MOTHER-IN-LAW AND CHILD. SHE WAS NOT BOTHERED FOR THE REST OF THE NIGHT, HOWEVER, OTHER WOMEN WERE TAKEN OUT THROUGHOUT THE NIGHT AND CAME BACK BLEEDING BARELY ABLE TO WALK.

C.C.'S GROUP WAS MOVED OUT OF KOTOR VAROS MID-AFTERNOON ON AUGUST 14. THEY WERE TRANSPORTED TO VLASIC BUT AT THAT POINT WERE TOLD TO GET OFF AND WALK TO TRAVNIK. C.C.'S GROUP ARRIVED IN TRAVNIK BETWEEN AUGUST 14 AND 15TH. SHE AND SOME OF THE OTHER WOMEN WHO HAD BEEN RAPED ASKED TO SEE A DOCTOR SO THAT THEY COULD BE CHECKED. C.C. WAS PARTICULARLY WORRIED BECAUSE SHE WAS STILL BLEEDING."

FEW OF US CAN IMAGINE FACING THE HORROR I HAVE JUST DESCRIBED. BUT FOR MANY BOSNIAN WOMEN THERE IS MORE. SOME VICTIMS, WE ARE TOLD, ENDURE FORCED PREGNANCIES AND FORCED CHILD BEARING.

AND OF COURSE, THERE IS THE POTENTIAL THAT UNLIKE THE RAPISTS IN QUEENS THESE CRIMINALS WILL GO UNPUNISHED.

I HAVE SPOKEN TO HUNDREDS OF RAPE VICTIMS AND COAXED THEM TO TALK ABOUT THIS PRIVATE VIOLENCE IN A PUBLIC COURTROOM. I HAVE HELD A CHILD IN MY ARMS TO TESTIFY BEFORE A GRAND JURY BECAUSE SHE COULD NOT TALK WITHOUT SCREAMING ABOUT WHAT HAPPENED WHEN HER ASSAILANT TOOK HER INTO THE BUSHES. LET ME ASSURE THE MEMBERS OF THIS COMMISSION THAT NOTHING, NOTHING WILL EVER REMOVE THE HORROR OF THE ASSAULT FROM THEIR MEMORY. BUT THE ONE THING THAT ALLOWED MY VICTIMS TO GET ON WITH THEIR LIVES WAS THE KNOWLEDGE THAT THE PERSON WHO COMMITTED THE ACT OF VIOLENCE AGAINST THEM WAS GOING TO BE PUNISHED. THIS SAME SMALL RELIEF MUST BE GIVEN TO THE WOMEN AND CHILDREN SURVIVORS OF RAPE IN BOSNIA-HERZEGOVINA IF THEY ARE EVER TO BE ABLE TO OVERCOME THE TORTURE -- INDEED THE LIVING DEATH -- WHICH HAS BEEN INFLICTED ON THEM.

IT IS INDISPUTABLE THAT RAPE AND GENDER-BASED VIOLENCE CONSTITUTE TORTURE AND BREACH THE MOST BASIC RIGHTS TO PHYSICAL AND MENTAL INTEGRITY OF THE PERSON. AS SUCH, THESE ACTS CLEARLY CONSTITUTE PROHIBITED WAR CRIMES UNDER EACH OF THE GENEVA CONVENTIONS.

AS SET FORTH MORE FULLY BY THE INTERNATIONAL HUMAN RIGHTS LAW GROUP IN THEIR REPORT ON RAPE AND GENDER-BASED VIOLENCE IN THE FORMER YUGOSLAVIA, "INTERNATIONAL LAW MANDATES A DUTY TO PUNISH THOSE WHO ARE RESPONSIBLE FOR RAPE AND GENDER-BASED VIOLENCE. RAPE IS EXPLICITLY PROHIBITED IN THE GENEVA CONVENTIONS OF 1949 AND THE TWO PROTOCOLS THERETO, AND ALL PARTIES TO THE CONFLICT IN THE FORMER YUGOSLAVIA HAVE AGREED TO BE BOUND BY THESE INSTRUMENTS."

THE REPORT FURTHER STATES THAT "RAPES COMMITTED ON A MASS SCALE AS A TOOL OF 'ETHNIC CLEANSING' ALSO CONSTITUTE CRIMES AGAINST HUMANITY AS DEFINED UNDER CUSTOMARY INTERNATIONAL LAW. THAT LAW, APPLIED AT NUREMBERG AND SUBSEQUENTLY AFFIRMED BY THE UNITED NATIONS, REQUIRES PUNISHMENT OF THOSE WHO ARE RESPONSIBLE FOR THE CRIMES. TO THE EXTENT THAT RAPES HAVE BEEN COMMITTED AS PART OF A CAMPAIGN 'TO DESTROY, IN WHOLE OR IN PART,' A NATIONAL, RELIGIOUS OR ETHNIC GROUP 'AS SUCH,' THEY ALSO CONSTITUTE GENOCIDE."

WE, BOTH AS HUMAN BEINGS AND AS MEMBERS OF THE INTERNATIONAL COMMUNITY, HAVE A MORAL AND LEGAL IMPERATIVE TO ENSURE THAT RAPE AND OTHER GENDER-BASED VIOLENCE BE PROSECUTED TO THE FULLEST EXTENT OF INTERNATIONAL LAW, TO ENSURE THAT JUSTICE FOR ALL IS SERVED IN OUR WORLD, AND THAT THE RULE OF LAW IS RESPECTED.

TO INSURE THAT, CERTAIN MEASURES MUST BE TAKEN.

FIRST: STATEMENTS OF THE VICTIMS MUST BE TAKEN AND EVIDENCE MUST BE PRESERVED NOW. VICTIMS, ESPECIALLY RAPE VICTIMS, ARE LESS WILLING TO TALK ABOUT AN ATTACK AS TIME PASSES. ISOLATION AND SHAME ARE THE MOST COMMON PSYCHOLOGICAL CONSEQUENCES OF RAPE. I WOULD EXPECT THAT TO BE PARTICULARLY SO IN A MUSLIM CULTURE. TO DEAL WITH THIS PROBLEM, I SUPPORT THE RECOMMENDATION OF THE ALBERT SCHWEITZER INSTITUTE FOR THE HUMANITIES WHICH RECOMMENDS THAT FEMALE PROFESSIONALS BE ASSIGNED TO THE WAR CRIMES COMMISSION STAFF TO WORK IN ZAGREB AND OTHER REPUBLIC CAPITALS, TO ENSURE THAT LEGAL PROCEDURES ARE SENSITIVE TO THE PSYCHOLOGICAL NEEDS OF WOMEN VICTIMIZED BY RAPE.

SECOND: THE CONFIDENTIALITY AND PRIVACY INTERESTS OF SURVIVORS OF RAPE AND GENDER-BASED VIOLENCE MUST AT ALL TIMES BE RESPECTED, PROTECTED, AND GIVEN PARAMOUNT IMPORTANCE -- WHETHER IN EVIDENCE-GATHERING OR IN ULTIMATE PROSECUTIONS BEFORE THE WAR CRIMES TRIBUNAL. A CONFIDENTIALITY PROTOCOL SHOULD BE IMPLEMENTED WHICH WOULD ENABLE RAPE SURVIVORS TO PROVIDE TESTIMONY IN CAMERA, BY AFFIDAVIT UNDER SEAL, AND THROUGH USE OF HEARSAY WITNESSES.

THIRD: ACCORDING TO THE PRELIMINARY REPORT OF THE INTERNATIONAL LEAGUE FOR HUMAN RIGHTS. INFORMATION CONCERNING ATROCITIES IS AND HAS BEEN WIDELY AVAILABLE WITHIN GOVERNMENTAL AND INTERGOVERNMENTAL CIRCLES. THAT INFORMATION MUST BE COLLATED SYSTEMATICALLY AND QUICKLY AND COORDINATED WITH OTHER ORGANIZATIONS AND INDIVIDUALS COLLECTING EVIDENCE.

DRAWING LESSONS FROM NUREMBERG, A REVIEW OF THE RECORD SHOWS THAT THE SOVIET PROSECUTORS BENEFITTED FROM THE BEST KEPT RECORDS. THEY HAD BEEN COLLECTING THEIR DATA AND GATHERING THEIR DEPOSITIONS THROUGHOUT THE LONG WAR. THAT MUST BE DONE NOW IN BOSNIA-HERZEGOVINA. WE CAN'T AFFORD TO WAIT UNTIL A PEACE ACCORD IS SIGNED OR UNTIL THE WORLD WAKES UP AND STOPS THIS HOLOCAUST.

FOURTH: ANY TELEVISION RECORD THAT HAS BEEN MADE BY ANY ORGANIZATION, THAT IS, NEWS, HUMANITARIAN GROUP OR PRIVATE INDIVIDUAL, SHOULD BE IDENTIFIED AND ACQUIRED NOW AND A LIBRARY BEGUN.

ON MONDAY, MY LOCAL NEWSPAPER, NEWSDAY, HAD A FRONT PAGE STORY PRECISELY ABOUT THE ISSUE WE ARE DISCUSSING THIS AFTERNOON. IT WAS WRITTEN BY ROY GUTMAN, WHO RECENTLY WON A PULITZER PRIZE FOR HIS REPORTING ON THE SITUATION IN BOSNIA. I AM SURE MR. GUTMAN WOULD BE AN INVALUABLE RESOURCE FOR THE WAR CRIMES COMMISSION. I HAVE BROUGHT THE SERIES OF ARTICLES HE HAS WRITTEN AND ASK THAT THEY BE MADE A PART OF THE RECORD.

ALSO, WHILE I WAS IN GENEVA, I SAW EXTRAORDINARY FOOTAGE ON BOSNIA ON CNN. TWO WOMEN WERE ASKED TO VIEW PICTURES OF THE CAMP WHERE THEY HAD BEEN HELD AND VIOLATED. AS THEY WATCHED, TEARS STARTED STREAMING DOWN THEIR CHEEKS. THE CAMERA PANNED THE OUTSIDE OF THE BUILDINGS AND THEN WENT INSIDE TO A CAFETERIA. THE FACES OF THE PEOPLE EATING WERE SHOWN. THE FACES OF THE WORKERS WERE SHOWN. AND THEN, THE FACES OF TWO MEN, LOOKING ON CASUALLY, WERE SHOWN AND BOTH WOMEN REACTED WITH HORROR. THOSE WERE THE MEN IN CHARGE, THEY SAID. THEY WERE THERE WHEN THE RAPES WERE HAPPENING. IF, AS A PROSECUTOR, I HAD EVER GOTTEN THAT KIND OF AN IDENTIFICATION AT A LINE-UP, I WOULD HAVE BEEN ELATED.

THE REPORTER THEN SAID THAT THE PICTURES WERE SHOWN IN VARIOUS REGIONS, TO WOMEN WHO DID NOT KNOW EACH OTHER, AND THE REACTION IN EACH CASE HAD BEEN THE SAME.

WHAT IS SO VERY DIFFERENT ABOUT THIS WAR, IS THAT WE ARE WATCHING IT UNFOLD NIGHTLY ON TELEVISION. THE ELECTRONIC AGE HAS PRESERVED EACH NEW DAY OF HORROR. AND WHAT WE SEE ON TELEVISION IS ONLY A SMALL PART OF WHAT IS IN THE POSSESSION OF THE NEWS ORGANIZATIONS. I WOULD HOPE THAT THEY WOULD WAIVE THEIR OPPOSITION TO RELEASING OUT-TAKE FILM IN THIS PARTICULAR SITUATION. LAST WEEK'S VERDICT IN LOS ANGELES IS PROOF THAT A VIDEO CAN MAKE OR BREAK A PROSECUTION.

FIFTH: I WOULD HOPE THAT, AS THE TRIBUNAL IS STRUCTURED, ATTENTION BE PAID TO THE SPECIAL NEEDS OF RAPE VICTIMS AND THE SPECIAL SKILLS THAT WOMEN ATTORNEYS CAN BRING TO THE PROSECUTION PROCESS.

THERE WILL BE PLENTY OF WORK TO GO AROUND WHEN THE TRIBUNAL IS SET UP FOR THE ATROCITIES ARE HARDLY LIMITED TO WOMEN AND CHILDREN. THE MATERIAL I RECEIVED IN GENEVA EACH MORNING WAS REplete WITH STORIES OF MALE PRISONERS BEING DECAPITATED WHILE OTHERS WERE BEATEN WITH PIPES AND THEIR THROATS SLIT. MASS EXECUTIONS ARE COMMONPLACE. MOST OF US SAW ON TELEVISION THE HORRIFYING IMAGES OF INTERNEES IN DETENTION CAMPS SUFFERING FROM STARVATION.

BUT ANY ONE WHO HAS WORKED IN THE FIELD, WILL TELL YOU THAT WOMEN AND CHILDREN WHO HAVE BEEN SEXUALLY VIOLATED FIND IT EASIER TO TALK TO A WOMAN ABOUT THE ASSAULT. I TRULY BELIEVE THAT USING WOMEN PROSECUTORS CAN HELP MAKE THESE PROSECUTIONS NOT ONLY MORE HUMANE, BUT MORE EFFECTIVE.

SIXTH: IF INDEED A PEACE ACCORD IS FINALLY ACHIEVED, NO FORM OF AMNESTY SHOULD BE ADOPTED FOR THOSE WHO HAVE PERPETRATED THESE ATROCITIES, OR FOR THOSE WHO HAVE STOOD IDLY BY AND ALLOWED ATROCITIES TO OCCUR. THERE CAN BE NO SAFE HAVEN FOR WAR CRIMINALS IF THE WORLD IS EVER TO BE SAFE FOR ANY OF US.

THAT IS PROBABLY THE BIGGEST CHALLENGE FACING US WHEN WE TALK ABOUT A WAR CRIMES TRIBUNAL. IN NUREMBERG, IT WAS EASY. THE VICTORS TRIED THE VANQUISHED. TODAY, THE INTERNATIONAL COMMUNITY IS SEEKING THE COOPERATION TO END THE WAR OF THOSE SAME PEOPLE IT HOPES TO PUNISH.

MY TESTIMONY TODAY HAS FOCUSED ON THE ATROCITIES BEING COMMITTED BY THE SERBS AGAINST THE BOSNIAN MUSLIMS. HOWEVER, I WANT TO MENTION THAT THE REPORT ISSUED BY DAME WARBURTON WHO HEADED AN INVESTIGATIVE GROUP FROM THE EUROPEAN COMMUNITY, AND THE REPORT OF THE MEDICAL TEAM UNDER THE DIRECTION OF THE SPECIAL RAPPOREUR, BOTH POINTED OUT THAT THOUGH THE VICTIMS ARE SAID TO BE MAINLY MUSLIM, SOME SERB AND CROAT WOMEN AND CHILDREN HAVE ALSO BEEN VIOLATED. THOSE MEN WHO HAVE SEXUALLY ABUSED THESE LATTER SHOULD ALSO BE BROUGHT TO JUSTICE. RAPE SHOULD NOT BE USED AS A WEAPON OF WAR. IT SHOULD ALSO NOT BE USED AS A TOOL FOR REVENGE. IF EVER THERE IS TO BE A JUST AND LASTING PEACE IN THE REGION, CONDEMNATION FOR VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW MUST BE UNIFORM, NOT PARTISAN. WOMEN'S RIGHTS ARE HUMAN RIGHTS, AND MUST BE RESPECTED AS SUCH.

I HAVE SPOKEN AT LENGTH OF OUR CLEAR LEGAL AUTHORITY, BUT FAR GREATER IS OUR MORAL AUTHORITY. TOMORROW'S GENERATIONS WILL JUDGE OUR RESPONSE TO THIS TRAGEDY IN EUROPE AS WE TODAY JUDGE OUR RESPONSE TO ANOTHER TRAGEDY IN EUROPE FIFTY YEARS AGO. LET US ACT TO MAKE THEM PROUD, TO STAND UP FOR OUR MOST PRECIOUS IDEALS OF A SHARED AND COMPASSIONATE CIVILIZATION.

I AGAIN WANT TO THANK YOU FOR ALLOWING ME THIS OPPORTUNITY TO APPEAR BEFORE YOU. I WOULD BE PLEASED TO RESPOND TO ANY OF YOUR QUESTIONS.

## Submitted by Rep. Geraldine Ferraro for the Record

**Articles by Roy Gutman  
Reprinted from *Newsday***

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DATELINE: Sarajevo, Bosnia-Herzegovina

KEYWORD: QUOTE; MAP; COVER; RADOVAN KARADZIC; RAPE; MURDER; GENOCIDE;  
YUGOSLAVIA; CIVIL WAR; SERBIA; CROATIA; BOSNIA-HERZEGOVINA; INVESTIGATION;  
MUSLIM; WOMEN; SEX CRIMES

## BODY:

Using flashlights and torches of lighted paper, the Serb military police stole through the darkened indoor sports center in search of female victims.

Each night they selected 10 or more Muslim women. The men led them at gunpoint to a nearby house and raped them, witnesses and victims said. One 27-year-old woman told Newday she was raped up to six times a night. Another woman was raped in the hall before the eyes of the others held there, witnesses said.

The site of these crimes, known as the Partizan sports hall, was in the center of Foca, a small, predominantly Muslim town in eastern Bosnia. At times, it was used as a transit facility for women and children about to be deported from the town. But for two months in 1992, between June and August, it functioned as a rape camp, holding 74 people, including about 50 women.

Partizan was but one of dozens of Serb rape camps in Bosnia - some are said to be still in operation - and it was prominently located, next door to the police station. Muslim women victims said they complained about the routine raping to the police, but police said they had no power to intervene.

Power in Foca had been seized by three top associates of Bosnian Serb leader Radovan Karadzic. Velibor Ostojic, a minister in Karadzic's breakaway government, and two other close aides, Vojislav Maksimovic and Petar Cancar, organized the military assault on Foca in April, 1992, and took charge of the town, even stationing their own guards in front of the police station.

Until now, reports on "ethnic cleansing" have focused on the men and women who implemented the policy - paramilitary groups led by self-promoting nationalists from neighboring Serbia aided by local Serb extremists. In Foca, the paramilitaries wore camouflage fatigues and called themselves the "Serbian Guard."

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But a three-month Newsday investigation into ethnic cleansing in Foca suggests that those directing the process were members of Karadzic's inner circle. They called in paramilitary troops to conquer the town and gave the orders to "cleanse" Foca of all non-Serbs, a broad array of witnesses said. They set up concentration camps and rape camps, and on their orders, Serb forces destroyed the mosques and nearly every other sign of half a millennium of Muslim culture, according to a variety of government and Muslim sources.

Karadzic said in a telephone interview last week that he had no knowledge of systematic rape anywhere in Serb-conquered Bosnia. "We know of some 18 cases of rape altogether, but this was not organized but done by psychopaths," he told Newsday. Claims of mass rapes were "propaganda . . . designed" by "Muslim Mullahs," he added. (A special mission of the European Community estimated that 20,000 or more Bosnian Muslim women had been raped by Serb forces through the end of last year; numerous investigations by other governmental and nongovernmental organizations all have concluded that rape has been widespread.)

But he confirmed that Ostojic, Maksimovic and Cancar "influenced the establishment of civilian authorities" at the time of the military assault one year ago and took control of Foca. Karadzic has been described as a possible war criminal by former Secretary of State Lawrence Eagleburger.

In Sarajevo, the besieged capital of the devastated state of Bosnia, the State Commission on War Crimes, headed by Croat Stjepan Klujic, is investigating all three men. Its allegations against Ostojic alone read like a page from the Nuremberg Nazi War Crimes Tribunal. It says Ostojic conceived and organized war crimes in the Foca region, helped plan and organize the arming of the Serbian Democratic Party members, prepared the attack, and invited paramilitary forces from Serbia "to undertake the armed conquest of a large portion of the territory of Bosnia-Herzegovina and ethnic cleansing through annihilation, terror, persecution, detention, mistreatment, and murder."

Ostojic refused to comment. A Newsday special correspondent in Belgrade submitted to Ostojic seven questions in writing about his role in the conquest of Foca in April, 1992, asking him to describe the structure and authority of the crisis staff, and to comment on the extensive eyewitness accounts of the rape camp in the middle of Foca.

The questions were submitted by fax at Ostojic's insistence, but after considering them for several days, he refused to reply. "I do not answer hypothetical questions," he said in a telephone interview. During a subsequent visit to Belgrade, he again refused to comment.

Bosnian Serb sources who spoke on condition of anonymity confirmed that Ostojic had been in Foca during the height of the terror and said he had traveled frequently to Pale, Karadzic's war headquarters on a mountain outside Sarajevo, for consultations.

Serb forces have denied foreign reporters and international organizations access to Foca since the conquest, and the Newsday investigation has relied on witnesses and victims now in Germany, Turkey, Bosnia-Herzegovina, and the remaining Yugoslavia, as well as Bosnian officials in Sarajevo and abroad.

Seven victims at a refugee camp at Kirklareli, Turkey, and in southern Serbia retold the story of systematic rape in and around Foca and of the rape camp in

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the heart of the town. Written statements by 10 others were made available by the gynecologist who first examined them after their release last August. All spoke on condition that they not be identified. But current and former Bosnian government officials spoke on the record.

Foca, whose population of 40,000 was 52 percent Muslim and 45 percent Serb prior to the Serb conquest, was among the first towns Serb forces seized in Bosnia, and some observers believe that what happened there set a pattern for ethnic cleansing in the rest of Bosnia. Foca could be a case study in the role played by civilian politicians in the brutality against the non-Serb population.

According to a witness, Ostojic was spokesman for the conquering Serbs, while Maksimovic actually picked up the phone and called in the troops. For Ostojic, it was a familiar role. Prior to the Serb insurrection one year ago, he was minister of information in the coalition of Muslims, Serbs and Croats who ran the Bosnian government, and he held the same job in Karadzic's self-declared government of the "Serbian Republic" of Bosnia until January.

Famed Nazi hunter Simon Wiesenthal in an interview with Newsday called him the "Goebbels" of the Bosnian Serbs. Currently Ostojic is a minister in Karadzic's government operating out of Pale. Karadzic and Ostojic were born in neighboring villages at the foot of Montenegro's Mount Durmitor but did not meet until 1990, Karadzic said. Both are 47.

Maksimovic was a professor of literature at the University of Sarajevo and the leader of Karadzic's Serbian Democratic Party in the Bosnian parliament. Karadzic has just named him head of the "University of the Serbian Republic," which he said will be established in Serb-controlled territory in Sarajevo. Cancar, an attorney, was formerly president of the chamber of municipalities, the second chamber of the Bosnia parliament. He is now a member of Karadzic's parliament.

According to Bosnian Muslim sources, Ostojic played a critical role in establishing a pattern of abuse of women. Alija Delimustafic, who was Bosnia's interior minister at the time of the capture of Foca, said he had received direct evidence from wiretaps that proved Ostojic had ordered the raping of women in Foca. Delimustafic left the Bosnian government some months ago and is now working in Vienna as a private businessman.

Jusuf Pusina, Delimustafic's successor in Sarajevo, said he was unable to find any such evidence in his files and denied Newsday direct access to them. Although Delimustafic has been regarded in government circles with distrust since he quit his post, Kemal Kurspahic, editor of Sarajevo's independent daily newspaper, Oslobođenje, said Delimustafic was a trustworthy source.

In a written statement to Newsday, Pusina did note, however, that Ostojic had been fired as a high school teacher for "his sexually deviant behavior toward young female pupils which on many occasions led to physical showdowns with individual parents." While employed in the personnel department at Sarajevo television, his next job, Ostojic "continued to satisfy his sick desire for girls by promising them 'certain work' if they fulfilled his desires," Pusina said. His last job was as proofreader at Sarajevo television, but he also had been Communist Party secretary.

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Ostojic, who became a Karadzic protege and was appointed by him to the Bosnian and Bosnian Serb governments, in fact used the incidents to advance his political career. In May, 1991, the ministry said, Ostojic was beaten up on his doorstep by an angry husband but he "and the extreme wing of the SDS [Karadzic's Democratic Party] built this up into a political thriller of a . . . Mujahedeen conspiracy that was the beginning of the night of the long knives against the Serbian princes," the ministry said.

Ostojic arrived in Foca around April 5 last year, three days before the attack, according to Enver Pilaff, 58, who at the time was head of the Muslim Democratic Action Party. At a public meeting, Ostojic demanded that Muslims give up all weapons of self-defense and concede Foca was a Serbian territory.

"He gave the Muslims 15 minutes to think it over. But no one could agree because they didn't have the authority," said Pilaff, who subsequently fled to Sarajevo, where he was interviewed.

Ostojic then demanded that all Muslims leave Foca for a concentration camp at nearby Jabuka mountain "or else the last Muslim seed will be destroyed in Foca," according to a public statement cited by the Bosnian Interior Ministry.

The next day, Ostojic, Maksimovic and Cancar met at their favorite restaurant, the Ribarski Dom. "I was outside when Maksimovic came out and told his people that if they would not take up arms and start shooting Muslims, he would call for reinforcements from Serbia," Pilaff said.

In the presence of his two associates, Maksimovic went to the telephone and "invited in" troops from nearby cities of Niksic in Montenegro, and Uzice in Serbia, Pilaff said. Pilaff said he heard the call through the open door.

"I said to the three of them: 'Aren't you ashamed for what you did?' " Pilaff said. As the first of 4,000 paramilitary troops arrived in trucks and buses, Pilaff and his family prepared to flee.

Molestation of Muslim women began almost immediately. On April 11, the third day after the attack on Foca, Pilaff said he heard from a close associate that a local Serb nationalist had raped a Muslim woman. Ostojic's forces also began rounding up Muslim civilians, taking them to the state correctional prison in Foca where the Bosnian government says more than 1,000 men were executed.

By mid-April, the trio set up their headquarters at a villa just outside Foca, next to the Velecevo state prison for women and overlooking the Cehotina River.

There, guarded by several hundred paramilitary troops, they established a summary military court, witnesses said. Newsday has obtained a sworn statement by a former Yugoslav army officer of Muslim descent who said he was brought before them and other Serb leaders. On the advice of a senior Serb officer, they spared his life. According to other Bosnian state and Muslim party sources, Ostojic, Maksimovic and Cancar decided the fate of hundreds of Muslims in the area, whether they would be executed by the paramilitary forces or sent to the concentration camp at Foca prison. According to Pilaff and Muharem Omerdzic, an official of Riyaset, a Muslim benevolent association in Sarajevo, they then turned the women's prison at Velecevo into a woman's concentration camp.

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Both Pilaff and Omerdzic said their information came from refugees or the families of women still being held in Bosnia. Omerdzic said he believes those taken to Velecevo either were killed there or are still being held. He also estimated that thousands of Muslim women are still held in Serb camps inside Bosnia, where widespread rape continues. Newsday was unable to confirm their assertions.

Karadzic told Newsday he had not visited Foca since the conquest and was unaware that aides had set up their headquarters at Velecevo. He also said he had not known that Velecevo was the site of a women's prison. Karadzic said he had not heard that women had been held and systematically raped nightly over two months at Partizan hall. "We will investigate any allegations of rape, including this one," he said.

GRAPHIC: Photos- 1) Velibor Ostojic. 2) Vojislav Maksimovic. (Same photos also on C Cover). 3) Petar Cancar. 4) AP Photo-United Nations soldiers at the airport

near Tuzla, Bosnia-Herzegovina, carry a wounded refugee evacuated from Srebrenica yesterday. 5) Photo-Radovan Karadzic. Newsday maps- 1) Map of Bosnia-Herzegovina showing Foca: Site of Rape camp. 2) Map of Turkey showing location of Kirklareli Refugee camp

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April 19, 1993, Monday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 5  
Other Edition: City Pg. 7

LENGTH: 1007 words

HEADLINE: A Daily Ritual Of Sex Abuse

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Kirklareli, Turkey

KEYWORD: SEX CRIMES; RAPE; WOMEN; ABUSE; YUGOSLAVIA; BOSNIA-HERZEGOVINA; SERBIA;  
CROATIA; MUSLIM

## BODY:

First, the Serb soldiers arrested Beba's husband and took him to a concentration camp in the southeast Bosnian town of Foca. Two months later, she said, armed Serb men returned to her village to rape the unprotected Muslim women left behind.

Beba was raped. She fled to Foca, and there, from an apartment belonging to a Muslim family, she observed the daily ritual of sexual abuse at the Partizan sports center.

"I saw the same men entering and leaving daily" with women in tow, the 24-year-old Muslim woman, who asked to be identified by a fictitious name, told Newsday. "I can say in Foca there were 50 men involved in rape. They slept during the day and raped at night."

Beba's observations of organized and systematic rape over two weeks were corroborated by six other rape victims who spoke to a Newsday reporter at this refugee camp in Kirklareli, north of Istanbul and in a predominantly Muslim town in southern Serbia.

Their accounts suggest that Serb authorities not only approved the systematic rape of Muslim women in Foca but made a public display of rape at Partizan hall. One woman at Partizan said she was raped more than 100 times in two months. A gynecologist who examined her shortly after her release told Newsday her account was entirely credible.

"The first rapes began a week or two after the Serb takeover in early April" last year, said Alija Delimustafic, who at the time was Bosnian interior minister. "They compiled lists. They arrested the men. They ordered women to stay in their home villages. They warned them they would kill their fathers or husbands if they moved away."

After an interval varying from a few weeks to two months, armed men in uniforms, either police reserves, militiamen, or other paramilitary forces, combed the villages, conducting house-to-house "interrogations." According to several victims interviewed by Newsday, the "interrogations" began with

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questions about hidden weapons but were quickly transformed into rape at gunpoint.

Beba's husband was seized in May, and his fate is unknown. In mid-July, on the excuse that they were searching for weapons, the men, armed and in uniform, forced their way into the home of a 17-year-old girl and ordered her to accompany them to Beba's house. As Beba watched, she said, they raped the teenager.

Beba's turn came a few days later, and though she was caring for her newborn, she was taken along with the teenage girl to a house outside Foca and raped after a mock interrogation.

Beba escaped the ordeal by fleeing to Foca on her own and spent two weeks close to Partizan. Those brought to the former sports center by police were raped repeatedly for weeks on end. Far from intervening to halt the crime, victims said, local police sometimes referred some Muslim women to Partizan to await safe passage out of the region.

One 41-year-old woman said she had complained to police after a group rape in which uniformed men molested her and a close relative, aged 19. The police said there was no need to see a doctor "but that we should go to Partizan and wait for a convoy," said the woman, who asked to be identified by her initial "B." But after watching guards abduct four women from Partizan, B and her relative fled and hid in the attic of relatives for a month.

M.C., a 28-year-old shopkeeper in Foca who asked to be identified only by her initials, had no escape. She told Newsday that Serbs attacked her village of Trosanj on June 3, and about 50 people, mostly women, were taken in trucks and private vehicles to a workers' barracks called Buk Bijela. "The raping began immediately. Twice that day," she said.

Then they were ordered for 10 days to a high school, where she was raped by three men, and finally to Partizan. Of the 74 people at Partizan, 50 were women and the rest children and some older people. About 30 younger women were the main targets. "Only the women over 50 were safe," M.C. said. "They always took the 10 youngest" from the sports hall, she said in an interview at a refugee center in Turkey. The woman said she was raped about 150 times during the two months of her ordeal.

After picking the women for the night, guards took them to a nearby apartment or house, victims said. On one occasion shortly before the main group was allowed to leave, a woman, 40, was raped in the middle of the hall. "The guard beat her. She cried," said a woman, 44, who asked to be identified only by her initials, R.C.

On Aug. 12, guards ordered M.C. to an outdoor stadium where, she said, uniformed soldiers gang-raped her and other women. "I counted 29 of them. Then I lost consciousness," said the mother of two young children. When she came to, she heard the commander telling the troops: "Enough is enough." There was a quarrel, gunfire, and then the officer, who had taken part in the assault, drove her back to the Partizan sports hall.

The rapes within Partizan represent only a tiny fraction of the assaults against the Muslim women of Foca. There seemed to be a special regime for the

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prettiest and the smartest of the women, who were singled out for the most frequent raping, several witnesses said. They said those women have not been seen since.

"Four young girls from Partizan were taken away, never to return," said R.C. Three were teenagers - 14, 16, and 17 years old. "When they take you away, they may kill you. So if you are raped, you feel lucky. At least you're alive," she said. R.C. acknowledged she had been raped, but would not say how many times.

The women kept in Partizan hall finally boarded buses organized by Serb authorities Aug. 13 and were taken to Montenegro, the first stop in what looks to be a permanent deportation.

M.C. is relieved to be far from home. Of the hundreds of women who emerged alive after the ordeal of last summer, at least 40 had become pregnant and had abortions, and some had carried to term, according to a Muslim doctor in southern Serbia. "Everybody said that if we didn't move out of Foca, every second woman would be pregnant," added M.C.

GRAPHIC: Photos by G.A.F.F/Andree Kaiser-1) At a Turkishrefugee camp, from left, R.C., M.C. and D.N.M tell of systematic rape at a Serb-run camp in eastern Bosnia. (7 C) 2) These women, now at a Turkish refugee camp, were brutalized by Serbs at the Partizan sports hall in Foca (P. 30 C)

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November 22, 1992, Sunday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 5  
Other Edition: City Pg. 14

LENGTH: 1449 words

HEADLINE: Utterly Neutral;  
'Probably we are too late. I think everybody is too late.'

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Travnik, Bosnia-Herzegovina

KEYWORD: BOSNIA-HERZEGOVINA; VIOLENCE; WAR; SERBIA; GREAT BRITAIN; MILITARY;  
FOREIGN POLICY; UNITED NATIONS; REFUGEE

## BODY:

As Serb artillery shells crashed past the minarets into the center of this historic city recently, British UN troops nearby winced as they described their orders, which are to do nothing beyond guarding convoys of humanitarian aid.

With their vastly superior force, the Bosnian Serbs are well placed to capture and destroy this architectural jewel of a city, the gateway to central Bosnia and home to 40,000 residents and expellees. British intelligence reports suggest that the Serbs, who stepped up the attack on Travnik last week, are "going for broke" in Bosnia before President-elect Bill Clinton takes office and considers a policy shift.

The 880-man British battalion group has just completed its deployment in Vitez, just 10 miles to the south of here. But its mission, laid out by the UN Security Council, is to protect trucks, not people. Should the Serbs seize Travnik and move on to capture Vitez and head toward Sarajevo, taking control of the main supply route from the Adriatic coast to the Bosnian interior, the battlefield would pass right over the them.

"We are utterly neutral," said Capt. Lee Smart, a British spokesman at the new UN protection force base in Vitez. "Should the fighting come past us, under the orders we have been given so far, we can't fight anyone." The exception is self-defense. "Should we be attacked, we can defend ourselves," Smart said.

For foreign relief agencies the deployment of the British and other forces under UN control is another case of inadequate humanitarian "band-aids" that have no impact on the war, itself. They say Bosnia could well freeze and starve despite the logistical support provided by western troops.

"Probably we are too late," said Yves Mauron, the international Red Cross representative in nearby Zenica. "I think everybody is too late. This is the characteristic of this war."

A mood of fatalism pervades Travnik, located in a narrow valley and indefensible from attack by the Serbs who have taken the high ground. Turkish

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viziers ruled Bosnia from this town from 1699 to 1851, and Nobel Prize-winning author Ivo Andric was born here. But its days as a predominantly Muslim city may be numbered. Because of a split between the ill-armed Muslim forces, who are fighting to preserve a unified Bosnian state, and the better equipped Roman Catholic Croats, who favor partition, the powerful army of the Christian Orthodox Serbs advanced last week to the edge of Turbe, a suburb four miles to the north.

In an interview earlier this month at his frontline headquarters in Turbe, the local Muslim commander expressed only forlorn hope. "The Serbs have tanks and artillery. We are fighting with hunting rifles. All we have is our hands and our hearts," said Reko Sulejman. For months, he said, the Croat forces had refused to deliver military supplies, and the only way for the Muslims to obtain any weapons was through private purchase. For weeks, according to a British intelligence assessment, the Croats took no part in the fighting.

In recent days, the Croats shifted their stance, sending reinforcements to Turbe and setting up a roadblock at the southern end of the narrow valley to prevent fighters from fleeing. But foreign observers say tension between Muslims and Croats is just below the surface and could erupt again.

In the last month, Bosnian Croats attacked Muslims in nearby Novi Travnik in a battle in which 20 died and the entire commercial district and several apartment buildings were destroyed. In Prozor, a predominantly Croat town to the west, the Croat forces sent in tanks and destroyed the Muslim business district. Extreme Croat nationalists have renamed the military police headquarters there as the "House of the Ustasha," referring to the world War II force allied with the Nazis. As fighting raged between the Croats and Muslims, the Serbs capitalized on it by seizing the stronghold of Jajce, northwest of Travnik, forcing 45,000 people to flee.

Foreign relief officials say they believe the Croats may have decided to reinforce their position in Travnik, whose population is 45 percent Muslim and 37 percent Croat, with the aim, if the Serbs allow, of later taking control and expelling the Muslim population.

Ivan Sarci, a spokesman for the Bosnian Croat army, disputed any such intent. "Muslims and Croats are defending Travnik together," he said. "There has been no conflict here. We will defend the city as best we know how."

In Travnik the tension is palpable. "This is a city where the Croat officials are reporting to Boban, and the Muslims are reporting to Sarajevo," said Davor Schopf, a local Croat journalist. He referred to Mate Boban, the head of the self-declared autonomous Bosnian Croat state. "The only way it continues to function is because the officials know each other from childhood and try to arrange practical solutions."

Travnik is not only a key northern outpost of the besieged Bosnian government and a gateway to Sarajevo, 55 miles southeast, but also the first safe haven for Muslims and Croats fleeing the terror tactics of Serb "ethnic cleansing" aimed at driving the other groups from northern Bosnia.

About 18,000 refugees who survived assaults and robbery by Serb irregulars as they walked down the treacherous Vlasica Mountain fill the schools, sport halls, kindergartens, army barracks and private homes of Travnik. But now Travnik,

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whose own population is about the same size, is also destitute.

"We have used up all our stocks, our money, our gasoline, our food, our communal reserves," said Mustafa Hockic, a Muslim member of the city government. "Now our own citizens have been reduced to the state of refugees. Our doctors, our teachers have to go to the public kitchens for food. We now have to organize aid for our own inhabitants."

If Serbs capture Turbe, even the treacherous path down Vlasic Mountain could be closed. And in the Banja Luka region, where the "ethnic cleansing" is proceeding full speed ahead, foreign relief officials said they had no way of guessing how people could escape. Neighboring Croatia and most of Europe have closed their borders to Bosnian refugees.

During daytime lulls in the fighting children play war in a cemetery overlooking the city. At night horse-drawn carts go back and forth to nearby villages as peasants gather their belongings and flee before the expected Serb advance.

Travnik has no heat. The official reason is that Serb artillery damaged the central heating plant and there is no coal. But in fact, sources said, the city has not started up its central heating plant to avoid offering another target for the Serbs. If the heating plant is destroyed, the city will become virtually uninhabitable in the coming winter.

But the British detachment has its hands tied. "Our mandate is to protect the UN food convoys and to go wherever they want us. Beyond that we're not in a position to get involved," Smart said.

About the only hope for saving the city appears to be quick action by the UN Security Council on an Austrian proposal to use military force to establish safe zones in Travnik and four other Bosnian cities - Sarajevo, Gorazde, Tuzla and Bihać. Austria's plan, modeled on the safe havens created by the United States and Britain for Iraqi Kurds after the Gulf war, is intended to stem the flood of refugees expected this winter if the Serbs continue their conquest of Bosnia.

It would require a far greater military force than the 20,000 UN troops now deployed in Bosnia, and, an Austrian official acknowledged, would amount to an "intervention through the back door."

"We are convinced that if limited military action had been taken one year ago, this war would never have occurred," said the official, who spoke on condition of anonymity. "We are also convinced that we will all be dragged in later, with far higher casualties, far higher human costs, and far more destruction."

The official said that the United States, which has no troops in Bosnia, seems in favor its plan and that France, with 4,000 troops in Bosnia, has given tentative support, but that Britain has expressed strong reservations because it might put its 2,600 troops at risk.

A senior official at the UN High Commission on Refugees said the idea of a safe zone was "very appealing" but that to implement it would require a major military commitment that he doubted world leaders would make. The official, who asked not to be named, said such an approach would also be "another

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humanitarian solution for something which is not humanitarian. It is another case of dealing with consequences, not causes. Don't look for humanitarian solutions. Look for real solutions," he said.

GRAPHIC: Photos by Andree Kaiser / G.A.F.F.-1) Twelve-year-old Sefo Ramic, left, tries to get warm while he eats; 2) at right, 'war games' is the pastime of the moment for young Travnik boys

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November 20, 1992, Friday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 5  
Other Edition: City Pg. 7

LENGTH: 1616 words

HEADLINE: Terror Trail;  
Refugees in Bosnia face attacks on mountain road

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Vlasic Mountain, Bosnia-Herzegovina

KEYWORD: REFUGEE; BOSNIA-HERZEGOVINA; SERBIA; CROATIA; YUGOSLAVIA; CIVIL WAR;  
MUSLIM; TERRORISM; MURDER; RAPE

## BODY:

The narrow road carved out of the mountainside is strewn with suitcases, toys and clothing piled several feet high, the remnants of a nation in flight. Corpses often litter the ravine below.

There is no guardrail for most of the cliffside path - indeed, no protection of any kind. Down this treacherous serpentine, Bosnia's Serb military has herded about 40,000 Muslim and Croat civilians over the past four months, chasing them at gunpoint into the still free portions of central Bosnia.

Every 30 feet or so along the two-mile gauntlet, Serb soldiers cluster in groups of five or six, fire their submachine guns in the air and brandish knives as they rob and rape the terrified expellees, according to witnesses. In the melees, usually in darkness, the men, women and children often abandon everything, even their identity papers.

"They robbed the people, they took their gold, their money, their jewelry, everything of value. They stripped the clothes off the men. I was naked as a newborn baby," said "Skija," 36, from Kotor Vares, who made it down the mountain on Oct. 17.

Skija, who asked to be identified only by his nickname, said he witnessed Serb guards murder two men and then toss them into the ravine. Local authorities in nearby Travnik said at least 40 refugees had been killed in this way. Doctors at Travnik's hospital confirmed the two deaths and said they had admitted another man with severe knife wounds. A woman gave birth in the no-man's-land during the Oct. 17 convoy.

"The people causing problems on the road were beyond anyone's control," said Beat Schweitzer, the chief Red Cross delegate in Banja Luka, who accompanied the convoy to Travnik. It was the first convoy organized by the International Red Cross.

Muslims and Croats fleeing "ethnic cleansing" in northern Bosnia describe the trek down Vlasic Mountain as the terror to end all terrors, yet they believe

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it also represents their last hope for survival. Since Bosnia's immediate neighbor, Croatia, closed its borders because other countries have refused to share the burden of refugees, it has been the sole path of escape.

Bosnian Serb leader Radovan Karadzic could not be reached for comment last night, but in the past he has denied all allegations of massacres, rape, or even detention of Muslim and Croat civilians by Serb forces trying to expel them from territories they claim for themselves. A Serb military commander atop Vlasic Mountain, who refused to give his name, told Newsday: "Everything we do up here is to ensure security. We deal with people in the most humanitarian way."

Bosnian officials in Travnik said that about 40,000 refugees had made it down the mountain. There are many reports of mass graves north of Vlasic Mountain, where buses full of military-age men have been diverted and the passengers reportedly slaughtered.

Several times a week, a slight, intense man, Zvonko Bajo, drives up Vlasic Mountain. Bajo, a Croat, heads the commission on war prisoner exchanges for Travnik and is usually the first city official to greet the expellees, who often arrive barefoot, unannounced and under fire. He also goes to talk with the Bosnian Serb military officials who control the refugee flow.

Last week, after organizing the first purely civilian exchange since the war began in April, Bajo obtained permission from the Serb side for a Newsday reporter and photographer to join him at the top. He hung a flag with a red cross made by his wife from a small tree branch out the window of his modest green sedan.

A short time earlier, at a preliminary encounter on the plateau at 6,500 feet, Bajo said, the Serbs threatened his life, claiming he had not brought all the Serbs they had placed on a list. "They failed to deliver everybody they promised," Bogdan Ristic, Bajo's Serb counterpart, told Newsday.

A partial exchange took place, and on the descent, the Serbs began shooting at targets in the valley. Bajo drove down the mountain with lights out. It often happens, he said.

An eerie silence hovered over the plateau. This is the place where refugees disembark with a few belongings from the beat-up and sometimes shot-up buses in the Serb government-organized convoys from elsewhere in northern Bosnia. Usually they have been robbed and assaulted repeatedly en route. Refugees say the plateau is the staging point for the final nightmare, the walk down the serpentine.

The only building, a ski lodge, had been gutted by fire, and Serb officers, operating out of a small trailer, quickly spotted their first western journalist visitors. "Tell your readers that Serbs want a civilized world," said a short-cropped, gray-haired officer who refused to identify himself.

He spoke in Serbo-Croatian and harangued the American reporter for insufficient fluency in the language.

As he spoke about humanitarian treatment of refugees passing through his territory, half a dozen men in khaki uniforms without insignia silently approached across a grassy knoll. They did not utter a word, but surrounded

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the visitors, their sheathed knives evident in the dim light of the late afternoon.

These, Bajo later confirmed, were the "vultures" who "rob, rape and kill" the refugees fleeing to safety. "They strip them of their clothes. They stab them. They throw them over the cliff," Bajo said.

But on this occasion, taking their cue from the Serb officers, they merely stood and watched as the conversation terminated.

A Croat shepherd who tends his flock along the road where the refugees trek said he sometimes hears old people crying out after being thrown down the mountainside. "I've seen parents arrive with dead children in their arms. I've seen some old people arrive in wheelbarrows," he said. "In the last convoy they grabbed leather jackets. If anyone complained, they stabbed him," said the shepherd, who asked that his name not be published.

During one convoy from the town of Kljuc, a group of Croats had been held at the top all night. "The women arrived in tears. They had been taken off the buses and stripped naked. The pretty ones had been taken away. No one could see where they went. They could only hear the screams," said the shepherd.

Treatment varies. On Nov. 3 civilians in an 11-bus convoy from near Kotor Vares were robbed but, according to one female passenger, left unmolested. "They robbed us as we got off the buses. If they saw a leather jacket, they would take it. They went through all our luggage," said the woman, 24, who asked to be identified by the nickname "Biba." Biba, who is childless, carried a 3-year-old in a sack on her back, as did other young women, in a ruse to avoid being molested.

"Get along, so that your people can kill you," she recalled the Serb soldiers commanding at the top of the trail. Further down they demanded all their valuables and threatened to kill them, she said. "Because I had no money, they forced me to take off my gold wedding ring," she said. Biba witnessed one assault, when a Serb guard pushed the group leader, a 45-year-old man, down the cliff, but said he managed to save himself after dropping 50 feet.

The terror tactics of "ethnic cleansing" that drive Bosnians to risk the dangers of Vlasic Mountain have been widely reported. Less well known are the bureaucratic hurdles Serb authorities make them cross before allowing them to leave.

"In Banja Luka now you need to obtain 12 different certificates to get out of the city. You have to sign away your property to the state. You even have to obtain a certification from the library that you have no overdue books," said Saed Saric, head of the Bosnian Muslim office in Travnik that is collecting data on war crimes. The authorities then collect up to \$ 200 for transportation to the plateau atop Vlasic Mountain, where the expellees often are left for hours aboard buses and robbed at gunpoint.

Skijsa, whose convoy carried 1,800 people, said he was on one of four buses full of men that were diverted by paramilitaries en route from Kotor Vares with the apparent intention of slaughtering them. After the buses traveled several miles, Bosnian Serb police rescued the men and let the convoy continue.

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"There was a confrontation, and the local Chetniks opened fire on one of the buses," he said, referring to the World War II Serb royalist force after which many paramilitaries style themselves. Reunited, the convoy's travelers spent the night on Babanovca Mountain, once famous as the site for European Cup ski jump competition. During the night the Serb guards permitted local paramilitary forces to enter the buses and rob the passengers.

"They took everything they could. On some buses they collected 5,000 or 6,000 marks [\$ 3,000 to \$ 3,500]," Skija said. At 8 a.m., they arrived at the plateau atop Vlasic Mountain and began the walk down. "The bandits were waiting for us. They robbed us again. They demanded our suitcases. They took off our jackets. They took our shoes and socks. Fortunately it was warm that day," he said.

Skija, who was interviewed at the offices in Zenica of the Bosnian center to investigate war crimes, said the first execution he witnessed was of a man about 60 years of age. "He had no money on him, so the Chetnik pulled the trigger and fired 15 to 20 bullets," he said. The soldier stabbed a second man, of roughly the same age, apparently for failing to heed an order to line up along the sheer cliff to be robbed, Skija said.

The expellees proceeded across the Bosnian lines, but several men who had been among the Croat fighters near Kotor Vares exacted rough justice for what they had just witnessed.

"They went back, unarmed, and threw the Chetnik off the cliff," Skija said.

GRAPHIC: Photos by G.A.F.F./Andree Kaiser-1) Bosnian Serb civilians being driven up Vlasic Mountain to be exchanged for Croat villagers. 2)

Zvonko Bajo, who receives Bosnian refugees several times a week on Vlasic Mountain. 3) Color Cover Photo by G.A.F.F./Andree Kaiser-Fleeing refugee pauses along the narrow mountain road

LEVEL 1 - 50 OF 94 STORIES

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November 8, 1992, Sunday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 4  
Other Edition: City Pg. 20

LENGTH: 3356 words

HEADLINE: Death Camp Lists;  
In Town After Town, Bosnia's Elite 'Disappeared'.

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Omarska, Bosnia-Herzegovina

KEYWORD: LIST; BOSNIA-HERZEGOVINA; GENOCIDE; SERBIA; WAR CRIMES; PRISONER;  
MURDER; LETTER; PRIJEDOR

## BODY:

The Serb guards strode menacingly into the crowded basement room in the middle of the night and called out the names of seven men.

It was a virtual who's who of leading Muslims and Croats from nearby Prijedor: Muhamed Cehajic, the elected lord mayor of the city of 112,000; two gynecologists at the Prijedor hospital; the owner of a cafe and art gallery; a state prosecutor; and two others. Aside from one Croat, all were Muslims.

One by one, they arose from the corrugated cardboard and rags on which they slept in the administration building of the mine complex-turned-concentration camp. They were led away by the guards and never again seen alive.

Several eyewitnesses reported seeing and identifying the corpses of the seven men in a nearby field the next day. The witnesses, who are among the 10,000 or more former Omarska detainees waiting in Serb prisons for a western country to offer refuge, spoke on condition of anonymity.

Over two days, July 26 and 27, the Serbs called about 50 people, according to witnesses, and they included judges, businessmen, teachers, surgeons, and civil servants - "all the prominent people of Prijedor," in the words of one ex-detainee.

With their disappearance, Prijedor's power structure was virtually eliminated, a graphic example of the deliberate destruction of the non-Serb elite that was an apparent war aim of the military juggernaut the Serbs rolled across Bosnia.

"It seems as if everything happening to me is as in an ugly dream, a nightmare," Cehajic had written his family from a Banja Luka jail six weeks earlier. "I keep wondering whom and how much I have offended so that I have to go through all of this. . . . It is inconceivable for me all of this that is happening to us. Is life so unpredictable and so brutal?"

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It is a question asked repeatedly by the 2 million Muslims of Bosnia-Herzegovina as they witness the systematic destruction of their people, their land, their economy, and their 500-year-old culture.

Methods differed from town to town, but the underlying pattern, according to extensive interviews with refugees and Bosnian police, was to round up the most educated, the most wealthy, the most successful, and the political and religious leadership from previously prepared lists.

In mostly Muslim eastern Bosnia, Serb paramilitary forces reportedly executed them in their villages. In some conquered areas of northern Bosnia, they took them to camps where they were executed without any judicial proceedings. But in northwestern Bosnia, a mainly Serb area including Prijedor, there are signs of a power struggle between the Serbs long entrenched in power, who favored judicial proceedings, and radicals, who preferred summary executions. The latter group apparently carried the day.

"They killed the judges, teachers, the president of the court, company directors, the wealthy - all the prominent people" at Omarska, said one former Omarska detainee, a 40-year-old professional man.

Cehajic's daughter, Amira, compiled a list of 59 names of well-known Prijedor residents who reportedly had been taken to Omarska. After she fled to Zagreb, Croatia, in late July, she gave a copy to Newsday in hopes that publicity might lead to the release of all the prisoners, including her father. Unbeknownst to her, Cehajic apparently had died two days earlier.

Prijedor's lord mayor was one of those caught in the power struggle over the detainees. Ousted by Serbs in a military coup on April 29 and arrested on May 23, Cehajic was transferred back and forth between concentration camps and jail, and the Serbs seemed unable to decide how to deal with him. On Aug. 18, nearly three weeks after his reported death, a court in Prijedor formally announced that he had been charged with the criminal offense of resisting the armed forces but said it had turned his case over to a military court.

Serb officials give vague and varying accounts of what happened to Cehajic and the other dozens of Prijedor men. In the first of two Newsday interviews in September, Simo Drljaca, a law graduate who rose from obscurity to become police chief in Prijedor after the Serb coup, said Cehajic was among 49 inmates who "escaped" from the camp in northern Bosnia. "His followers organized his escape from Omarska," Drljaca asserted in the presence of his superior, Stojan Zupljanin, the Serb chief of security for the Banja Luka region.

A week later, on his home turf in Prijedor, he put it more bluntly. Cehajic, who was 53 at the time, had "disappeared."

"You know how it is. You find they disappeared," said Drljaca. "There may be some who died in the process of disappearing."

Drljaca later escorted a Newsday reporter on a tour of Omarska and listened as Zeljko Mehajic, the former commander of the guards at the camp, recited the official explanation. "There was a power cut at 11:47 p.m. on July 26, and it lasted until 4:30 a.m. the next morning," said Mehajic. Cehajic "disappeared among seven who left at that time."

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Former detainees at Omarska have said without exception that no one, in fact, ever escaped the camp, which was at the edge of a Serbian mining village. Drljaca had a ready answer to that contention. "People got out of Alcatraz," he said.

Cehajic, who spent his adult life as a high school teacher, had had no involvement in politics until 1990, when he decided to join the newly formed Muslim party, the Party of Democratic Action, and run for office.

"I urged him not to join the party. I said there was no future for ethnic parties," recalled his wife, Minka, 54, a pediatrician and the former director of the Prijedor hospital, who is now living in Zagreb. But Cehajic would not be stopped. "He said this would be a civil party, a middle-class party. He told us, 'All my life I've done everything out of love for you. If you don't like it, you should make a sacrifice this time,' " she said.

In the first elections of the post-Communist era, Muslims, composing 44 percent of the population of Prijedor, voted as a bloc for the party. Serbs, who composed 42 percent, were divided, with the radical nationalist Serbian Democratic Party taking 28 percent, and a more moderate party associated with then-federal prime minister Ante Markovic taking the rest of the vote.

Cehajic became mayor, and Milomir Stahic, a member of the Serbian party, became his deputy.

Cehajic first ran up against Serb power in mid-1991, when the Serb-led Banja Luka corps of the Yugoslav army announced a general mobilization and began drafting men to join in the war against secessionist Croatia. "My father strongly opposed this and as a pacifist put himself on the side of all Croats, Muslims, and Serbs who did not want to take part in that war," recalled Amira, 27, who, like her mother, is a pediatrician. Cehajic's son, Amir, 20, is a medical student in Zagreb.

Cehajic's stand won him sympathy among Croats, but the Serbs never forgave him. In February this year, after the United States and Western Europe recognized Croatia, the predominantly Muslim government of Bosnia-Herzegovina held a referendum on independence from Yugoslavia. Muslims and Croats, who together compose 61 percent of the republic's population, voted in favor, but Serb leader Radovan Karadjic declared an independent Serb state within Bosnia.

Backed by material aid and manpower from Serbia and the enormous arms and ammunition stockpile, military bases and command structure taken over from the Yugoslav army, Bosnian Serb forces launched a massive military offensive.

In Prijedor the Serb police and army forces took over the city hall and police station and ousted the Muslims. "We took power by force," Drljaca said matter-of-factly. "We took power with guns." He was especially pleased to note that Serbs from the left, who voted against the Serbian party in the elections, "have now joined us."

Drljaca's justifications for the coup range from the self-serving to the bizarre. "We have proof that they were planning to do the same thing to us two days later," he said of the Muslims. "If Prijedor had fallen, Banja Luka would have too," he said, speaking of the main regional city with twice the population.

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The only proof cited by the Serbs is a list purporting to show about 3,000 Muslims and Croats in the region had obtained small arms suitable for self-defense.

Another reason for ousting the coalition government was that Serbs had found "proof" that the Muslims planned "to circumcise all Serb boys and kill all males over the age of 3, and send the women between the ages of 15 and 25 into a harem to produce janissaries," a reference to a Turkish medieval practice of forcing Serb women to bear children for use in the military. Asked for documentation, Drljaca said it was elsewhere in Bosnia.

Yet another reason was offered by Dragan Savanovic, a Serb who is the new deputy mayor of Prijedor. "Serbs can't allow a government in which they are a minority. Serbs in this area are a constitutive nation. They will never accept Izetbegovic as president." Alija Izetbegovic, a Muslim, is president of Bosnia.

Cehajic got in the way of the Serb view of political order. One day after the coup the new authorities ordered Cehajic to go on the radio and instruct the population to surrender all arms to the Serbs. Instead, "he called on the citizens to preserve the peace, to act with dignity, and to conduct a Gandhian resistance to the illegal government," Minka Cehajic recalled.

Cehajic was suspended from his job but was free to move about until Serb police arrested him in his apartment on May 23 and charged him with organizing an attack on Serb soldiers in the nearby village of Hambarina the previous day.

After his arrest other supposed charges began to pile up. Radio Prijedor, under Serb control, alleged that Cehajic was the son of a war criminal, a charge Drljaca repeated to Newsday. "In the last war, he took part in killing 6,000 Serbs. He was executed as a war criminal," he asserted about the father. It is a favorite charge by Serbs against Muslims, and its main relevance, a generation later, may be to motivate Serbs to seek revenge.

Cehajic's father, a baker, had been in the city government of Sanski Most during the World War II occupation by the Croatian Ustashe fascists, and shortly before the Communist partisans entered the city, he disappeared. But according to Minka Cehajic, "Others who lived there said he had never dirtied his hands. He was never charged, and he was never tried." Cehajic was 5 at the time his father disappeared.

Drljaca also told Newsday, "We have data from at least 10 people who said Cehajic was advocating the war option for the Muslim people and fomented military preparations." Cehajic's wife said he was a pacifist who opposed the Muslims taking up arms. "We were the apples of his eye. If he had known about an attack, he would have had us removed from Prijedor in advance," she said.

The more convincing reason offered for arresting him, however, was that he was there. "It's normal" to arrest the political leadership after a coup, Drljaca told Newsday.

Cehajic was first taken for interrogation to the police station, then to two detention camps the Serbs had set up in industrial sites, one at the Kereterm tile factory within the Prijedor city limits, the other at Omarska, a vast iron ore mining complex. He was jailed pending charges in Banja Luka from June 6 to June 20, and assigned a lawyer. Then he was returned to Omarska, where he was

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held for five weeks until July 26.

Few of the other men called out with Cehajic on those two fateful nights were politically active or even members of the Muslim party. Most were leaders in commerce, medicine or law.

One of the seven, Mehmetalija Kapitanovic, 48, a brother-in-law of Cehajic who headed a catering company, was arrested June 19. "I can't find any real connection between Meho and these other people who were arrested," his wife, Sena, told Newsday. The only possible connection, she said, was wealth or social prominence. "It seems they tortured the more eminent ones, whereas the ordinary, everyday people they would just kill," she said.

Osman Mahmuljan, a doctor specializing in internal medicine and about 47 years old, was also arrested in June, on charges he had attempted to kill an ethnic Serb doctor by prescribing the wrong treatment after a heart attack.

Zeljko Sikora, a gynecologist, was arrested in mid-June and accused in the Serb-dominated media of sterilizing infant Serb boys at birth.

Asaf Kapitanovic, a cousin of Cehajic, was Prijedor's most prominent restaurateur and one of its wealthiest people. He had just gotten married and opened a new cafe-art gallery and was building a new house when he was arrested in June.

The complete list of those called out with Cehajic is not known, but family members believe it also included Esad Mehmedagic, a public prosecutor about 55 years old, and Esad Sadikovic, the head of the ear, nose and throat department at Prijedor hospital. Sadikovic had been indirectly involved in politics, having written a satirical political column in the newspaper in nearby Kozarac. But he had organized a peace demonstration in mid-1991 against the war in Croatia, and he was charged by the Serbs who arrested him as being a "false peace activist," according to Sena Kapitanovic.

The Serbs who run Prijedor today seem indifferent to the fate of the man they ousted from the job of mayor. When asked what happened to his predecessor, Stahic replied: "I don't know. He escaped." Later he added: "I would prefer to have him in jail so that tomorrow we could put him before the court in a proper trial or release him."

Milan Kovacevic, the city manager, joked that "There is even the chance he will call us from Paris. Or we can go to the other extreme, and he is among the dead. No one can say. There is more chance that he will phone from Paris or London than that you will exhume him dead."

Confronted with the assertion of eyewitnesses who saw Cehajic's corpse, Drljaca did not try to dispute it. "They have their version. We have ours. You have the complete right to choose between them," he said.

Of the 59 names on Amira Cehajic's list, Serb authorities confirmed to Newsday that 13 had "escaped" or "died in the process of disappearing."

No eyewitness has confirmed to their faces that their father and husband is dead, and the Cehajic women, who are both intelligent and self-assured, cling to the hope that he is still alive.

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His wife continues to hope he may have been taken elsewhere, citing the case of a Croatian friend whose husband, the president of the Prijedor court, was called out from Omarska and taken to another camp.

"We know that everyone else who 'disappeared' is dead," said Cehajic's daughter. "They were killed inside the camp. People saw their corpses."

Serb authorities closed the Omarska camp around Aug. 6, four days after Newsday first reported that massive atrocities had occurred there, and moved the surviving detainees to Trnopolje, which the Serbs describe as a transit camp, and Manjaca, which they call a prisoner of war camp.

A few days after Omarska prisoners arrived at Trnopolje, a middle-aged woman garbed in a scarf and old clothes boarded one of the rare trains from Prijedor to Trnopolje. It was Minka Cehajic. For an hour and a half she talked to prisoners who had seen her husband at Omarska, but they could give her no firm word of his fate. She walked the eight miles home, using an umbrella to conceal her face from Serb guards.

Shortly before she escaped from Prijedor, Minka Cehajic received from a newly released prisoner a letter her husband had written in early June. It is an intense and personal document, in which he expressed his love for the family, his hope that he would be freed and his gratitude that a friend had brought him cigarettes. "Thank him for eternity," he said. "If it hadn't been for that, I would have thought I was completely alone in the world."

He appealed to her to find him a new lawyer and send some cigarettes, more changes of underwear, a shaving set, a track suit and ground coffee.

The letter arrived weeks after Cehajic was last seen alive.

Despite all the indications to the contrary, his wife and daughter hope that Cehajic is still alive. They want him to be vindicated.

"I would like my father to live for the day when the truth comes out," said Amira. "He was unjustly accused. But not just to live for this truth, but for the whole truth, because there were so many innocent people."

\* \*

'I Have Heard

Terrible Things'

Letter from Mohamed Cehajic, June 9, 1992:

My dear Minka: I am writing you this letter though I am not at all certain that you will get it. But still I feel the irrepressible need to talk with you in this way. Since that 23 May when they came to our house for me, I have been living in another world. It seems as if everything happening to me is an ugly dream, a nightmare. And I simply cannot understand how something like this is possible, dear Minka, Amira, and my son.

You know how much I love you, and because of this love I have never done anything, nor could I do anything, that could cause you pain. I know you know

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what they are trying to put on me hasn't even a single part in the thousand of connection with me. I keep wondering whom and how much I have offended so that I have to go through all of this.

Nevertheless, I believe in justice and the truth, and this will all be cleared up.

Otherwise, I think of you constantly, of your faces, which are always before my eyes. I have to admit that Amir's [his son] image emerges before my eyes, and then an occasional tear flows.

I know how hard this will be for him, because I know how much he loves me. I especially ask you, Minka, that you try to console him if you manage to get in touch.

Time is passing with dismal slowness, and I can hardly wait for the day when I will be with you again. And you will be sufficient for me for the whole of another world. I would be happiest of all if we could go together so far away, where there is nobody else.

Dear Minka, I am terribly worried about Sejdo, Naso, Biho, and the others. I have heard some very terrible things, so please let me know what happened to them. Mustafa S. brought me cigarettes, underwear and the essentials. Thank him for eternity.

If it hadn't been for that, I would have thought I was completely alone in the world. I keep wondering where are those good friends now. But so be it. How is my Beno? Does he ask for his grandfather? I miss him terribly. Today's the 18th day since I was deprived of my freedom. But to me it seems like a whole eternity.

I don't even know how many times I've been interrogated, and now the investigation is being conducted by a Judge Zivko Dragosavljevic. I also asked the lawyer Bereta to attend the interrogations, and I beg you also to engage Shefik P. or Emir Kulenovic, whoever wants to. I don't know how much longer they're going to keep me here.

If you can, buy me some cigarettes somewhere, soap, toothpaste, two to three pairs of underpants, and undershirts, a track suit, shaving set and shaving cream. Don't send me any food because I can't eat anyway. If you have any, send me some ground coffee. Tell Amir to stay at Orhan's and if, God willing, all of this settles down, then you go to him. Tell him to just keep studying, and for the 100th time, tell him that Daddy loves him much much more than he loves himself.

I don't even think about myself any more, but he must be an honest and honorable man. It is inconceivable for me all of this that is happening to us. Is life so unpredictable and so brutal? I remember how this time last year we were rejoicing over building a house, and now see where we are. I feel so as if I'd never been alive.

I try to fight it by remembering everything that was beautiful with you and the children and all those I love. That's all for this time, because I don't have any strength any more.

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Give my greetings to all who ask about me, and to you and the children I love very, very much.

Muhamed.

GRAPHIC: Photos- 1) In a family snapshot from February, 1991, Muhamed Cehajic, right, newly elected mayor of Prijedor, and his brother-in-law, Mehmedalija Kapitanovic, hold the child of a family friend. Witnesses say both men were among the Muslim elite killed at Omarska. 2) Photos by Boris Geilert/GAFF-Prijedor Police chief Simo Drljaca, above, with a pump-action shotgun he says was captured from Muslims; 3) other police, below, who claim to be investigating deaths and 'disappearances' at Omarska. 4) Cehajic's wife Minka, left, and daughter Amira, who hope against hope he is still alive

## LEVEL 1 - 57 OF 94 STORIES

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Newsday

October 18, 1992, Sunday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 3  
Other Edition: City Pg. 7

LENGTH: 3714 words

HEADLINE: Death Camp Horrors;  
Survivors detail Serbian atrocities

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Omarska, Bosnia-Herzegovina

KEYWORD: COVER; SERBIA; BOSNIA-HERZEGOVINA; GENOCIDE; TORTURE; WAR; CRIME;  
INJURY; INVESTIGATION

BODY:

The vast mining complex here, with its open pits and ore processing system, looks like anything but a concentration camp.

The nondescript buildings in their barren frontier landscape have been cleaned up, and there is no trace of the blood reputedly spilled here. But during the last month dozens of eyewitnesses have provided compelling new evidence of murder and torture on a wide scale at this complex, where the Serbs who conquered Bosnia brought several thousand Muslims and Croats to die.

According to former detainees, the killing went on almost everywhere:

Inside the huge hangarlike building that houses earth-moving equipment, armed guards ordered excruciating tortures at gunpoint, sometimes forcing one prisoner to castrate another.

The tarmac outside was an open-air prison, where 500 to 1,000 men had to lie on their bellies from dawn to dusk.

Thousands more packed the offices, workshops and storage rooms in the hangar and a glass-and-brick administration building. All were on starvation diets.

The two most-feared locations were small outbuildings some distance from the main facilities: the "Red House," from which no prisoner returned alive, and the "White House," which contained a torture chamber where guards beat prisoners for days until they succumbed.

Unlike Nazi concentration camps, Omarska kept no real records, making it extremely difficult to determine exactly how many died. Guards often chose victims at whim and had to ask other detainees to identify the corpses. "They never knew how many people were killed from one shift to the next," observed a 22-year-old Omarska survivor who asked that his name not be used.

Newsday first reported mass murders at Omarska and other camps on Aug. 2. Five days later, as television pictures of emaciated prisoners were aired

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worldwide, Serb authorities closed the camp and dispersed the prisoners. But not until hundreds of survivors reached the West in the last few weeks, aided by the International Red Cross, was it possible to draw up a detailed account.

A monthlong Newsday investigation that included extensive interviews with officials who said they were responsible for Omarska and with dozens of former detainees in Croatia, Britain and Bosnia itself, produced these main conclusions:

Eyewitness accounts of detainees indicate that well over 1,000 people were killed at Omarska, and thousands more probably would have died of beatings, executions, disease or starvation had the camp not been closed.

A large number of detainees, possibly as many as 1,000, seem to have disappeared without a trace when the camp was closed.

All but a few detainees were civilians, mostly draft-age Muslim or Croat men, but there were many men under 18 or over 60, and a small number of women.

Newsday's estimate of the death toll of more than 1,000 is based on the eyewitness accounts of daily killings by three former detainees who spoke in separate interviews. It does not reflect other, possibly duplicative, first-person reports of mass executions or disappearances; if it did, the toll could easily be twice as high.

Three Bosnian journalists who were detained at Omarska and are now being held in another camp arrived among themselves at an estimated death toll of 1,200 or more. And International Red Cross officials said at least 2,000 people who went to Omarska are unaccounted for.

Nine hundred miles from here, outside London, Edin Elkaz lies awake nights, his head filled with the screams of the men being tortured in the room next door at the White House. During one month at the camp, the 21-year-old said, he witnessed some of the killings next door and the removal of bodies the next day, saying the guards slaughtered five to 10 men a night, up to 30 on some nights.

The guards sang as they beat the Muslim and Croat prisoners to death, sometimes nationalist songs about "greater Serbia," other times religious melodies from the Serb Orthodox liturgy, he said.

E.L., a 26-year-old Muslim, spent two months here and said he helped load between five and 10 corpses daily from the White House into a small yellow pickup truck that removed them to an unknown grave. Like many of those interviewed, he asked that his full name not be used.

And N.J., a 23-year-old Muslim, said he kept a count each night for the final 20 nights of inmates marched to the Red House. Some days there were as few as 17 or as many as 42. None ever returned.

Interviews with these three detainees, who are among 68 taken to Britain to recover from beatings and shootings, and from several hundred who recently arrived in Karlovac, western Croatia, provide chilling amplification of the original reports of atrocities at the camps in Bosnia.

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Reacting to the early accounts, Lawrence Eagleburger, now the acting U.S. secretary of state, said on Aug. 18 that the administration had found no evidence of systematic killing, only of "unpleasant conditions." But after conducting its own interviews recently with about 40 former detainees in Karlovac for submission to a special United Nations war crimes panel, the U.S. Embassy in Zagreb has concluded there were massive atrocities at Omarska and other camps and in the surrounding towns, said John Zerolis, an embassy official.

"The Nazis had nothing on these guys. I've seen reports of individual acts of barbarity of a kind that haven't come up in State Department cable traffic in 20 years," said another top official at the U.S. embassy, who spoke on condition of anonymity.

But even the U.S. Embassy interviewers have been unable to determine the number of people held at Omarska, the number killed or the number missing.

Extensive Newsday interviews with prisoners indicate that at least 2,500 to 3,000 detainees were held in Omarska at any one point. International Red Cross officials have a working estimate that up to 5,000 prisoners were taken to Omarska, and that well over 2,000 are accounted for.

Despite the imprecision of the statistics, the story of Omarska and other concentration camps in Bosnia constitutes one of the most savage chapters of modern European history.

Serbs from nearby Prijedor set up camps at Omarska and Kereterm, a disused tile factory, on May 25, not quite a month after they seized power by force in the town of 30,000. Officials from Prijedor were eager to present their version of events but acknowledged under questioning by Newsday that it was only the official account. "You have your facts. We have our facts. You have a complete right to choose between the two versions," Police Chief Simo Drljaca said in an interview last month.

Almost nothing in the official version stands up to scrutiny.

During a tour of the administration building at the camp, Zeljko Mehajic, the former commander of the guards, took a visitor to a basement room packed with rows of bunk beds. There were never more than 270 prisoners at Omarska at any one time, Mehajic said, and "this is where they all slept."

But the detainees said they had slept on the ground, on floors or crouching jammed into closets - anywhere but in beds. The beds were brought a few days after the media drew attention to Omarska, according to a foreign humanitarian aid expert. The authorities raided military barracks for the bunks and the hotels of Banja Luka for the bedding, he said. Only when the bunks were in place were the International Red Cross and reporters allowed to visit.

Milan Kovacevic, the city manager in Prijedor, said Omarska was an investigative facility, set up "to see who did what during the war, to find the guilty ones and to establish the innocent so that they didn't bear the consequences." He said the camp was closed when the investigation was completed.

Drljaca, a little-known law graduate who became police chief when the Serb minority took power, said 3,334 people were arrested on suspicion of resisting

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or plotting against the new Serb authorities and were taken to Omarska. Drljaca insisted that no one had been killed at Omarska, and that only two prisoners died between May 25 and mid-August, both of "natural causes." Another 49 "disappeared," including the former lord mayor of Prijedor, Mohamed Cehajic, and were presumed dead, Drljaca said.

In the official version, detainees were interrogated for four days and shipped out. Drljaca said 800 detainees who were alleged to have "organized the whole thing," among them "rich Muslims who financed" the Muslim SDA political party, were taken to Manjaca, which was operated by the Bosnian Serb army as a prisoner-of-war camp, to await criminal trial. Taken with them were 600 people who reputedly commanded units of the Muslim and Croat resistance. The remaining 1,900 were found innocent and taken immediately to Trnopolje, which officials said was a transit camp, Drljaca said.

But not one of more than three dozen Omarska survivors whom U.S. embassy officials interviewed at Karlovac said he had been questioned before being taken to Omarska. Only a few of several dozen interviewed by Newsday had been interrogated, and they said they were beaten before and during questioning. Most had been held more than two months.

Moreover, nearly every Omarska prisoner sent to Manjaca was a civilian, and only a handful had borne arms against the Serbs - nowhere near the 600 figure given by Drljaca, humanitarian aid sources say.

Drljaca's assertion that prisoners were removed to Manjaca after being interrogated was contradicted by Bozidor Popovic, the commander at Manjaca, who said in an interview last month that 25 busloads of prisoners had arrived in early August.

Slobodan Balaban, an ethnic Serb who was technical director of the mining complex, said Serbs were motivated to operate the camps by revenge for the perceived suffering of Serbs in other conflicts. "The main factor that influenced our conduct has been the treatment of our people who were taken to Croatian camps," he said.

While official accounts are riddled with contradictions, reports by survivors of Omarska of severe deprivation, brutal tortures and routinized slaughter are consistent and corroborative, as well as mind-numbing. According to the reports, some of which follow, savagery enveloped the prisoners from their arrival.

Tahirovic Redzep, 52, said he was brought to Omarska with hundreds of others on May 26, after Serbs destroyed and "cleansed" the nearby Muslim town of Kozarac. In a sworn statement given to the Bosnian office on war crimes investigation, he said guards called out a dozen people a day for five days and decapitated them with chain saws near one of the main pits. He said Omarska prisoners were forced to witness the massacre as well as the subsequent execution of 20 non-Serb policemen from Prijedor.

D.K., a 25-year-old ethnic Albanian now recovering outside London, had the luck to be shot by accident on arriving at Omarska on May 30. "I was there only 20 minutes," he said. He had been among 15 men standing near the camp entrance who were fired at by a trigger-happy guard. D.K. lifted his pajamas to show seven bullet wounds on his stomach, legs and arm. Three detainees died in the shooting, but D.K. was taken to hospital in Banja Luka, where he was in a coma

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for 15 days. When he came to, he said, nurses, Serb patients and even Serb children visitors came and beat him. "I had gotten 12 pints of blood, and they beat me because I had Serb blood," he said.

Edin Elkaz was also lucky to be shot by accident on arrival May 30 and taken to hospital in Prijedor, for it reduced his exposure to the violence in the camp. Elkaz had been a Bosnian soldier, one of the few Omarska prisoners who had actually fought the Serbs. Stuffed with 130 others into a one-car garage, Elkaz was standing near the door when guards seized a friend of his and executed him outside at close range.

The bullet penetrated the door, entered the stomach of Elkaz' brother and finally came to rest in Elkaz' leg. In the hospital for six weeks with his leg suspended from a bar, Elkaz never recovered because Serb ill-wishers came by and poked the wound with a stick, repeatedly reinfecting it.

"I had a very good [Serb] neighbor who came by one day and said hello. I came to regret it," Elkaz said, smiling at the irony. "He brought 15 people to beat me up over six weeks."

Once back in Omarska, he was taken with several other Bosnian soldiers to a room in the "White House." He could see the beatings through a glass door. The guards used wooden clubs and iron bars and usually concentrated on the head, the genitals, the spine and the kidneys. Sometimes they smashed prisoners' heads against radiators. "You'd see pieces of flesh or brain there the next day," Elkaz recalled.

But the worst torture was to stand a prisoner against the wall and beat him with a cable. "I think they killed at least 50 men with that cable," Elkaz said.

Each morning, he said, detainees laid out the corpses on the tarmac in front of the White House. Others then loaded them into the small yellow truck that had just been used to deliver food to the camp kitchen. A four-man burial detail would accompany the truck, but only one would return alive.

No prisoner is known to have survived the "Red House," and only a few even witnessed detainees being taken each night to the outbuilding, well away from the main buildings. From mid-July until Omarska was closed, starting at 8 each night, guards collected men from different locations in the camp and took them to a holding area at the White House, according to the former detainee, N.J. Guards asked them for names and family details, then marched them away individually. At about 4 a.m. prisoners would hear a truck drive up to the Red House, apparently to collect the corpses.

Although guards often combed the many rooms where prisoners were kept and called out names from lists, many of those killed or beaten were selected at random. "The guards would come in at 3 a.m. and take five people out, telling us they were going to be exchanged. Where they took them, God only knows," said M.M., a 28-year-old plumber held with more than 500 men for more than two months in a room adjacent to the giant hangar. "Next morning we would see the dead bodies. I am sure that 50 percent of those who disappeared would be killed."

Often the guards did not know whom they had beaten to death. Elkaz recalled that "sometimes they would call them by name. But sometimes they would ask me afterwards, 'Do you know who this is?'" He said he identified many friends

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who had been beaten to death.

The violence worsened in time as the guards "had already taken everything of value," said a man who called himself by the pseudonym Mrki, aged 40, interviewed at Karlovac. Mrki was taken to the White House because he was standing in a prominent location when a guard came into the room looking for scapegoats. Over two nights he was beaten unconscious at the White House, both by guards and by villagers invited in for recreational beating. "When I awoke in the morning, there was blood all over the place," he recalled.

There were ways to avoid beatings, detainees said. Rule 1 was never to look a guard in the eye. Rule 2 was that if called to an interrogation, to confuse the guards by saying he had just come from one. Prisoners sometimes smeared themselves with blood from a newly beaten detainee "so that we would be spared as much as possible in the next round," Kamber Midho, 31, said in a sworn statement to the Bosnian government.

At least one prisoner was burned alive at Omarska.

The burning occurred in late July as detainees lined up for lunch, according to Nedjad Hadzic, 23, an eyewitness now in Karlovac. The man was emerging from an interrogation, and a guard ordered him to run, as if in preparation to shoot him. "You are cowards. You know nothing but cruelty," the man taunted the guard.

When the guards were shoving him on the tarmac, he grabbed a gun from one of them, but then gave it up. "They shoved him toward the White House, poured gasoline over him and set him alight," Hadzic said.

And Osman Hamuric, who is now recovering outside London, told Newsday he had twice witnessed forced cannibalism at Keraterm camp.

On one occasion, he said, guards cut off a prisoner's ear and forced another man to eat it. The second time, a guard cut a piece of flesh off a wounded prisoner and told him to eat it. He refused. "Why not? It's cooked," Hamuric quoted the guard as saying. Hamuric could not say whether the man ate his own flesh. "All I know is that they took him away and we never saw him again."

Yet nothing was more traumatic for the men than the castrations. U.S. Embassy officials found a witness to an incident in which a man had his testicles tied with wire to the back of a motorcycle, which took off at high speed. He died of massive blood loss.

Hadzic described a castration in an interview with Newsday. The incident began when a guard with a grudge to settle called out Emir Karabasic, a Muslim policeman, from the room in which Hadzic was sleeping and ordered him to strip naked in the hangar in front of parked dump trucks. "Do you remember the time you beat me up in the cafe?" the guard asked.

As Hadzic watched from the next room, a second Serb policeman found another Muslim, against whose father he had a grudge, and ordered him to lower his face into a channel cut in the concrete floor and drink old motor oil, then to bite off Karabasic's testicles. "The shrieks were unbearable. Then there was silence," said Hadzic.

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Three other men who had been removed from Hadzic's room at the same time and witnessed the castration were then killed by the guards with metal rods, Hadzic said. The man who carried out the castration returned to the room, his face blackened, and could not speak for 24 hours.

Experiences as these have left deep psychic scars on the survivors, among them a Roman Catholic priest from near Prijedor, who described his suffering to parishioners in Zagreb. The priest, who spoke briefly with Newsday but insisted he not be identified, told them he had been beaten until he vomited blood. Once he said he had been caught trying to give a detainee the last rites, and he swallowed the piece of bread he had consecrated rather than let the guards seize it.

From dawn to dusk, he lay out on the tarmac with hundreds of other men. For 32 days, the priest said, he did not have a bowel movement because he had had not eaten any food. "It was so terrible that, God forgive me for saying so, but we were grateful when someone died. We could take their clothing and place it under us," an attendee at his speech quoted him as saying. The ordeal caused damage to the priest's heart and kidneys, and he is now recovering in Croatia.

During their first five days in Omarska, prisoners were generally given no food, witnesses said. After that time, they were taken in groups of 30 to the cafeteria for the sole meal of the day, which consisted of a slice of bread and a bowl of thin soup. After two to three minutes, during which it was possible to wolf down a few spoonfuls of the gruel, it was back to the tarmac.

The beatings that accompanied trips to the toilet were so severe that former detainees said they preferred to defecate in their boots or in the rooms in which they had to sleep. Dysentery was rampant, and conditions were so unclean that some prisoners counted 10 types of lice or vermin on their bodies. "We had lice on our eyelids. They'd fall out of your beards," said Hadzic. Detainees said they were bathed only twice all summer. The guards ordered prisoners to disrobe in groups of 50 and then aimed firehoses at their genitals. "It was pure sadism. They'd laugh if we fell over," Hadzic said.

When Omarska was closed down, camp doctors at Manjaca estimated that of the prisoners transferred there, at least one in 10 had contracted dysentery from bad food or sanitary conditions, all of whom would have succumbed without immediate treatment. Others suffered from untreated and festering wounds from their beatings.

Many others were close to collapse. "I don't believe I would have lasted another 10 days," said Kemal Husic, 19. "I was reaching a state where I couldn't stand. I had to have two people help me to get to the cafeteria."

Hadzic concurred. "There was so much hunger and dysentery that the whole camp couldn't have lasted another 20 days," he said.

Many detainees never made it to safety and seem to have disappeared "in transit" to or from Omarska. These included two busloads of men who disappeared from Omarska at the end of July. Another 120, according to witnesses, were to be taken from the Keraterm camp to Omarska on Aug. 5, but never turned up. About 11 men who were transferred to Manjaca did not arrive. Guards slit the throats of two and killed another nine, prisoners said.

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The Manjaca commander, Popovic, disclaimed any knowledge of that alleged atrocity. "I am not interested in what happened outside the gates. My responsibility is only for what happens under my control."

But the biggest mystery is what happened to the people transferred from Omarska at the time of its closing. Prisoners said they reckoned a population of 2,500 to 3,000 at Omarska, basing their estimates on such things as counts of the lunches served on a particular day. Of the prisoners there at the end, 1,374 were transferred to Manjaca, according to the International Red Cross. About 700 others went to Trnopolje, according to prisoners later taken from there to Karlovac. That leaves between 500 and 1,000 missing.

Moreover, of the number transferred to Trnopolje in early August, only about 200 made it to Karlovac. Some had been on a convoy into Central Bosnia in which more than 250 men were slaughtered by local police.

Were other Omarska prisoners killed in other ways? Were they dispersed to other camps?

No one has an answer, not even Thierry Germond, the chief European delegate for the International Red Cross, which has tried to win freedom for all the civilian and military detainees in the war. All Germond could say was, "We understand your concern, and I share it."

QUOTE: He realized that you can't fix all the problems of a place like the Delta at once.' Betsey Wright, Clinton's former chief of staff

GRAPHIC: Photos by Boris Geilert/G.A.F.F.-1) Serb guards tortured prisoners at gunpoint in this hangarlike building at the Omarska mining complex, forcing some to castrate each other. 2) Red Cross worker hands out cigarettes to those at Manjaca camp. 3) Prijedor city manager Milan Kovacevic and police chief Simo Drljaca. 4) Prisoners at the Manjaca camp, many of whom were held at Omarska. 5) Serb officials claim prisoners slept in this room at the camp. 6) THE COMMANDER. Zeljko Mehajic was once camp commander at Omarska. (P 43 C) 7) Photo by Kevin Harvey-SAFE. Edin Elkaz, left, is aided near London by Fuad Ramic and Osman Hamuric. All are former detainees. Elkaz says memories terrified him. 8) Cover Color Photo by Kevin Harvey-Former prisoners of the Omarska death camp, who are now recovering from their injuries in London. ON THE COVER. The four ex-detainees include, from left, D.K., 25, who was shot seven times on arriving in Omarska and was later beaten in a hospital; Osman Hamuric, 22, who witnessed coerced cannibalism at Kereterm camp and was beaten at Omarska; Edin Elkaz, 21, who was shot on arrival at Omarska and later kept in "White House" next to torture chamber; and Fuad Ramic, 34, who was held at the "White House" with Elkaz.

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Newsday

October 4, 1992, Sunday, HOME EDITION

SECTION: NEWS; Pg. 5  
Other Edition: All Pg. 5, City Home Pg. 5

LENGTH: 1697 words

HEADLINE: Survivors of Atrocities;  
Freed prisoners detail massacres

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Karlovac, Croatia

KEYWORD: COVER; QUOTE; JASMIN KALTAG; BOSNIA-HERZEGOVINA; VIOLENCE; PRISON;  
MURDER; BIAS CRIMES; SERBIA

## BODY:

After four traumatic months in captivity, the first large group of survivors of Serb-run concentration camps in Bosnia has reached freedom with eyewitness accounts that confirm charges of mass murders of civilians during the Serb conquest.

Jasmin Kaltag, 22, said he had volunteered for a work detail from the Kereterm concentration camp in late July to "harvest the wheat." What he harvested, he said, were bodies. Kaltag said that during three days, he and another prisoner buried children as young as 2 years old and loaded 250 to 300 corpses of men and women into trucks from homes in seven Muslim villages south of Prijedor.

Kaltag said there were 14 other two-man teams doing such work, which suggested that thousands of people may have been executed during the "ethnic cleansing" of the villages.

Mirsad Sinanbegovic, 35, recounted the night of July 22, when he said Serb guards fired gas bombs into a large room in a factory building in which he was held at Kereterm, then machine-gunned everyone who came to the front, gasping for air.

Sinanbegovic said that about 125 people were killed and 45 wounded in the massacre, but that the wounded were loaded into trucks along with the dead and never seen again. Some of the victims were as young as 13, he said. "There was so much blood, we had to take our shoes off," he said.

Sinanbegovic said that he was one of 90 survivors and that he had saved himself by hitting the floor when the gas came in, as he had been taught to do in the army. Bodies fell on top of him, he said.

"I can't describe the shrieking," said Kaltag, who was in the room next door. "Some of the wounded people begged to be killed." The 1,561 former detainees, most of them Muslims, were brought to this western Croatian town from the detention camp at Trnopolje late Thursday and early Friday under the auspices

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of the International Red Cross.

In Geneva, the chief of the International Committee of the Red Cross, Cornelio Sommaruga, slammed the "nightmarish intensification of ethnic cleansing." Departing from the organization's traditionally impartial stance, he told The Associated Press he was "convinced that the Bosnian Muslims have suffered most and are most in danger of immediate death in the zones controlled by Serb forces."

In a random sampling of about a dozen former prisoners, each said he had been beaten or tortured or witnessed a killing. Each said he had been arrested unarmed at home or at a friend's house and that while he was in detention had never been charged with any crime. The men gave interviews from within a crude wooden pen that Croatian authorities erected on the main square in this city 40 miles southwest of Zagreb to supervise them until international relief agencies can resettle them abroad.

Esef Dzenanovic stood sobbing as ex-detainees all around him tearfully hugged and kissed arriving friends and relatives. No one had shown up to see the 33-year-old welder, and he took that as proof that Serb forces had raped his wife, his mother, and his sister and then killed them along with his two sons, ages 6 and 9. Dzenanovic had already heard separate accounts of the slaughter of his family from a Muslim neighbor and a Serb friend. "What am I to do now? What do you suggest?" asked Dzenanovic.

Also among the former detainees were six survivors of a widely reported massacre at Skender Vakuf on Aug. 21. More than 200 Trnopolje camp inmates were shot and dumped in a ravine near the north Bosnian town of Skender Vakuf while being escorted by Serb security forces to Muslim-held Travnik, witnesses said.

M.M., a man who would identify himself only by his initials, said he was ordered with others to kneel at the edge of the ravine. "They started shouting insults and shooting," he said. "I jumped into the ravine. Luckily, I fell in an area that wasn't so steep. I rolled down, pretending to be dead. I found a corpse and dragged the man's body over me."

He said he started edging down the ravine toward a small stream. When the guards saw him moving, they began shooting, he said, but the body protected him. "I could feel the bullets hitting his body," he said. "I lay there two hours, pretending to be dead. I didn't dare move. They continued shooting."

After three days of wandering in the nearby forests, he said, M.M. was arrested by local police, who questioned him, then taken to the hospital at Skender Vakuf, where he was treated for his wounds but also beaten by local and military police.

Kaltag said he and nine others of the 250 men in his room had volunteered for the "wheat harvest" detail. The guards then seized another 20 at random to complete the work detail. They drove to the village of Tukovi, where they collected firewood "for the wives of Serb soldiers at the front," and then to Srebeci where they began the grisly three-day task of collecting corpses, he said. "The bodies were in front of the houses and inside, and many were behind the houses," he recalled. The prisoners buried children as young as 2 years old behind the houses, but loaded the corpses of the women and men "that were fresh and did not have worms" into trucks. Kaltag said he did not know where the

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corpses were taken.

Then they went to other villages. "The most corpses were in Biscani, Zecovi and Carakovo," he said. Most of the victims were men, he said. Their hands were tied with wire behind their backs.

Corpses that had begun to decompose or had worms were collected by prisoners and placed three to five in a pile, he recalled. A chemical officer in an army uniform and protective headgear would spray the pile with a white liquid, then light the pyre. The corpses would burn down to soot. (The following Appeared in NS Edition)

The police chief of Prijedor, Simo Drljaca, asked last month to comment on estimates that up to 30,000 people were killed in his region, said he had no figures at all for the number of dead.\*\*

Kaltag said his work crew, under orders from the Serbs, also plundered the houses of displaced Muslims and loaded appliances and other possessions into trucks and then took them to two warehouses in Prijedor.

Many of the prisoners who arrived here from Trnopolje had been incarcerated previously in Kereterm, a tile factory in the city of Prijedor, or in Omarska, an iron mine on the road between Prijedor and Banja Luka. After an international outcry following Newsday's Aug. 2 report on mass killings in the camps, Bosnian Serb authorities closed Kereterm and Omarska and transferred all the prisoners to Trnopolje.

Their transfer to Croatia was the result of lengthy negotiations between the International Red Cross and the Bosnian Serb authorities, who promised during peace talks in London in August to close down the camps. Aside from scattered individual releases and a handful of escapes, this is the first large contingent to be released from the Serb camps.

After the physical and psychological traumas, the former detainees now face yet another - where to go.

According to Peter Kessler, a spokesman for the UN High Commissioner for Refugees, "not one country has yet come forward to offer refuge" to them. Croatia, packed with refugees, will let them stay just two weeks.

If foreign countries do not quickly offer to resettle the former inmates, the 3,500 men held at the Manjaca camp, also in northern Bosnia, cannot be released, Kessler said. Officials of the International Red Cross estimated last month that the Serbs were holding between 20,000 and 40,000 civilians in camps.

Accounts of survivors suggest that thousands died in the three camps in northwest Bosnia alone. At each location, a pattern developed: During the nights, the guards remove a number of prisoners who were never seen again.

Admir Krajisnik, 21, said he had been held at the vast Omarska complex in a small office building nicknamed the "White House." Each night, he said, guards would call out five to 10 men and take them away. "In the morning we would go out and see four or five bodies laid out on the grass," he recalled. The other men were never seen again, he said.

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Besim Javor, 49, was held at Trnopolje from June through September and recounted nights when guards seized five, eight or more men, who never returned. The most recent occasion was Sept. 21, he said, when five people were taken away.

Then there were times when "a Serb acquaintance would come and call for a prisoner, take him out and kill him. One night, eight people were killed like that," he said. Many of the prisoners were buried in backyards of houses near the camp, he said.

At Keraterm, the authorities removed five to six people each night, Kaltag said. He recalled that guards would ask prisoners to give their professions, "and if they found someone with a high position or a higher educational degree, they would execute them. I think the intelligentsia of Prijedor has just disappeared," he said.

In other instances described by the witnesses, the Serb security forces chose victims almost at random.

Dzenanovic, the man who had no family to greet him here, said he lived in Gareci, a mainly Serb village, south of Prijedor, in the first house at the entrance of the village. "They did the same thing to the family who lived in the last house in the village, which was also owned by a Muslim," he said. Besides his family, he lost all his property. "They took my car, my two cows, they stole the hay and the firewood, stripped everything from my house down to the doors and window frames."

Many Muslims have expressed surprise over the degree to which neighbors and friends took part in the repression of non-Serbs.

When Kaltag reached Trnopolje on Aug. 13, he discovered that the camp director was Slobodan Kuruzovic, his former elementary school principal from Prijedor. During daylight hours, when Kuruzovic was there, he took an interest in the prisoners and treated many with kindness, Kaltag said. The terror began at night, after he had left.

On Thursday, as the detainees piled into 34 buses, Kaltag related, Kuruzovic was on hand to say goodbye. "All my pupils are going," Kuruzovic said.

A Muslim prisoner corrected him. "You mean your martyrs," he said.

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HEADLINE: Unholy War;  
Serbs target culture, heritage of Bosnia's Muslims

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Tuzla, Bosnia-Herzegovina

KEYWORD: YUGOSLAVIA; BOSNIA-HERZEGOVINA; CIVIL WAR; GENOCIDE; SERBIA; MUSLIM;  
CROATIA; HUMAN RIGHTS; UNITED NATIONS

## BODY:

Shortly after the Serbian army swept into eastern Bosnia last April, a bearded soldier climbed the minaret of the Rijecanska mosque in the town of Zvornik, hung a skull-and-crossbones flag out the window and placed a cassette on the recorder.

From the tower, where the Muslim call to prayer formerly sounded five times a day, bloodcurdling Serbian nationalist songs blared forth: "If you're not with us, we will kill you. We will slit your throats" and "You're a liar if you say Serbia is small."

"I wanted to destroy the minaret," said Asic Akim, a police commander from Zvornik who witnessed the scene for the 20 days and nights that he and colleagues held a Muslim position on a nearby hill. "But my colleagues stopped me." Numerous refugees from Zvornik contacted by Newsday corroborated his story.

The Serb-led war against Bosnia began in Zvornik. And almost from the very first, it was accompanied by an assault against the Muslim religious and cultural tradition, an assault whose impact has become clear as scholars examined the pattern of destruction. Muslim clergymen have been dispersed, imprisoned or killed, according to a variety of Muslim sources. National libraries and religious seminaries have been destroyed. And Bosnian scholars estimate that well over half the mosques, historical monuments, and libraries that comprise a six century-old religious and cultural heritage have been wiped out.

No international agency has been able to study the extent of the damage, according to Ron Redmond, spokesman for the United Nations High Commissioner for Refugees. He visited Sanski Most in northeast Bosnia and noticed "a mosque was completely dynamited. Someone had gone to quite some length to reduce it to a pile of stone. But I can't say how widespread the practice was."

Numerous accounts compiled from Muslim expellees indicate that before they were destroyed, many houses of worship were desecrated.

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In Novo Selo, a village near Zvornik, Serb troops rounded up 150 women, children, and old people, and forced them at gunpoint into the local mosque. In front of the captives, they challenged the local community leader, Imam Memic Suljo, to desecrate the mosque, Asic said, quoting eyewitness accounts. They told him to make the sign of the cross, eat pork and finally to have sexual intercourse with a teenage girl. Asic said that Suljo refused all these demands and was beaten and cut with knives. His fate is unknown.

In Bratunac, about 30 miles south, Imam Mustafa Mojkanovic was tortured before thousands of Muslim women, children and old people at the town's soccer stadium, according to a sworn account by witnesses quoted by the imam of Tuzla, Efardi Espahic. Serb guards also ordered the cleric to cross himself, Espahic said. When Mojkanovic refused, "they beat him. They stuffed his mouth with sawdust, poured beer in his mouth, and then slit his throat," Espahic told Newsday.

Bosnian Serb leader Radovan Karadzic did not respond to repeated requests for comment.

The assault against Bosnia's Islamic heritage has been a largely unreported facet of the "ethnic cleansing" campaign, for it occurred in areas now occupied by the Serb conquerors. But accounts by refugees and data collected by the Bosnian government, Bosnian scholars, and by Muslim leaders point to an irreplaceable loss. An official list of 115 destroyed and damaged mosques and other cultural objects, obtained by Newsday from Behar, a new Bosnian cultural affairs monthly, covers only the first six weeks of the war.

"It is terrible. It is unbelievable from the point of view of the history of art and architecture," commented Bogdan Bogdanovic, a Serbian architect and ex-mayor of Belgrade. "Beautiful cities have been completely destroyed, and an enormous number of historic buildings. It is a great crime against civilization, a disgrace for my people and for the army which does that."

The destroyed or damaged treasures include the oldest, the most famous, and the most beautiful mosques in Bosnia, according to the official Bosnian list, and numerous other sources. All 14 mosques in and around Foca, among them the Aladza (the colored mosque), built in 1550 and said to be one of the most beautiful mosques in Europe, were destroyed, as was the Ustikolina Mosque near Foca, built in 1448, the oldest mosque in Bosnia; 13 mosques in Mostar all built between 1528 and 1631 - among them the Karadjoz-Begova mosque, built in 1557.

Priceless treasures in Sarajevo have been damaged or destroyed including the Gazi Husref Beg Mosque, built in 1530, the Imperial Mosque, founded in 1450 and rebuilt in 1565, the Ali Pasha Mosque from the same period, and a dozen smaller mosques of similar age. Serb artillery badly damaged the Gazi Husref Beg library, from about 1530, and the century-old city hall, which contained the national library, and completely destroyed the library of the Oriental Institute and the new Islamic seminary and also assaulted nearly every library at Sarajevo University.

Some of the Gazi Husref Beg library collection was saved, but elsewhere, most of the collections, including rare books and manuscripts in the Oriental Institute were destroyed, according to Smail Balic, a leading scholar of Bosnian art history and a retired curator in the Austrian State Library in Vienna.

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The pattern is repeated across Bosnia. According to figures cited by the head of the Islamic community in Zagreb, 200 mosques were destroyed and another 300 damaged between April and late July. The Bosnian Institute in Zurich, an independent scholarly institution, estimates that in areas of Serb occupation, 90 percent of the mosques have been destroyed.

Sevko Omarbasic, the mufti, or Muslim community leader of Zagreb, said according to statistics compiled by Islamic officials through the end of July, the Serb occupiers executed 37 imams, sent 35 to concentration camps, and expelled 300 from Bosnia.

Bosnia has had a unique religious identity for nearly a millennium. Its state church from the 12th to the 15th Centuries was Bogomilism, a heretic Christian sect that rejected the Roman Catholic hierarchy and liturgy preached pacifism and puritanism. Bosnian scholars say the Bogomils may have been the original Protestants, helping inspire reformers in Bohemia and France. But the Bogomils were under constant pressure from the Roman Catholic and Orthodox churches, and Turkey appeared as a rescuer just as Catholic Hungary launched a Crusade in the 15th Century. During the Turkish conquest, the Bogomils sought sanctuary in Islam, and the Turks allowed local practices to be absorbed into what became a unique Bosnian form of Islam.

Under both Turkish and Austrian rule, Bosnia was a sanctuary of tolerance in the Balkans, where Muslims, Roman Catholics and Orthodox Christians lived side by side. Jews fleeing the Spanish Inquisition settled in Bosnia and in 1966 celebrated their 400th anniversary as a community in Sarajevo.

Kristallnacht for the Bosnian Muslims came not in one or two nights, as it did for Germany's Jews in November, 1938, but was spread over three months, according to information now available.

In Zvornik, where it all started on April 8, Serb forces destroyed or damaged 19 mosques in and around the city, and at least 50 in other cities and towns nearby, according to information compiled in Tuzla, the biggest Muslim-ruled territory in Bosnia. The destruction continues. The Rijecanska Mosque in Zvornik was blown up in late August, according to Izet Nakicevic, head of the "Zvornik Club," which gathers expellees from that city, in Zagreb.

The Serb forces, with overwhelming firepower, apparently targeted mosques for reasons that had nothing to do with military strategy. A great many mosques, including some of the best known, were blown up after Serbs occupied the towns, numerous Bosnian sources said.

According to expellees' reports cited by the mufti of Belgrade, Effendiija Hadzi Hamdija Jusuf Pahic, the Aladja mosque was damaged by mortars during the Serb assault in mid-April but survived because of its stone construction. Early in July, the Serbs planted dynamite around the site and blew it up. Then they bulldozed the rubble, he said. Today, grass is growing on the site. The Serbs also blew up Ustikolina with dynamite at the end of June, and destroyed the Ferhadija in Banja Luka in May.

"Our clear impression is that they are not destroying some historical monuments but every historical monument which represents the culture, tradition and continuity of a people," said Zehrid Ropic, a Tuzla architect who is compiling a list of destroyed monuments in northeast Bosnia.

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Balic concurred. "They want to eliminate all traces of the past - of the Bosnian tradition, of the Turkish tradition, and of the Austrian tradition," said Balic.

According to accounts of Muslim expellees, mosques were used by the Serbs as prisons, slaughterhouses and morgues. Alija Lujinovic, 53, who was one of the witnesses quoted in an Aug. 2 Newsday report on concentration camps in Bosnia, said before he was taken to Brcko Luka, he along with 150 to 180 men was held for four days in a mosque in Brcko. "They didn't let us go to the toilet. We had to relieve ourselves in the mosque, in the sacred ablution basin," he said. "They gave us no food for 48 hours and then served us pork." Then, he said, they beat the prisoners there.

According to Espahic, who visited Kozluk subsequently, Serbs have since moved into the homes that had been occupied by Muslims. [\*\*\*The following appeared in city edition: In the village of Kozluk, near Zvornik, Serbs set up a grill to serve roast pork in the forecourt of the mosque, according to Imam Efardi Espahic of Tuzla. New York Newsday on July 2 reported that all inhabitants of Kozluk were had been taken to Serbia and had been loaded in a sealed train to be deported to Hungary.\*\*]

The suddenness of the Serb onslaught caught Muslims in Bosnia unarmed and unprepared, and its ferocity has left them reeling. The religious leadership is embittered that the West has stood by without offering any help, instead imposing an arms embargo indiscriminately against all parties in the fighting.

"It is the shame of civilization to permit this, in a country which has been internationally recognized," said Espahic. He said President George Bush "will intervene only if it will help his election campaign. It is the hypocrisy of the West to recognize this sovereign republic and not to want to protect it, not to help us with arms so we can help ourselves. We don't want any help if we can get arms. We have a right to self-defense."

Omerbasic, the mufti of Zagreb, believes that the West is uninterested in Bosnia because it does not care about the fate of the only sizable Muslim community in Europe.

Acting Secretary of State Lawrence Eagleburger, during a news conference in London last week, did not address the issue directly, but acknowledged that "there is no question that the Muslim world is upset" about what is happening to Muslims in Bosnia. "There are limits to what we, or the West, are able to do at this stage," he said.

But Richard Holbrooke, an assistant secretary of state in the Carter administration and now an adviser to Democratic presidential candidate Bill Clinton, recently visited northern Bosnia. "If the situation were reversed, and Christians or Jews were being attacked in Bosnia, there would be a lot more concern," Holbrooke said.

GRAPHIC: 1) Color Photo by G.A.F.F./Andree Kaiser- Soldiers walk through rubble that surrounds a damaged mosque in Kalesija. 2) AP Photo- DEATH OF A HERITAGE. On June 2 residents of Sarajevo walked past ruined Magribia, city's oldest mosque. (p. 7 C). 3) Cover color Photo by G.A.F. F./Andree Kaiser- Soldiers enters a shattered mosque

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August 23, 1992, Sunday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 5  
Other Edition: City Pg. 7

LENGTH: 1688 words

HEADLINE: Mass Rape;  
Muslima recall Serb attacks

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Tuzla, Bosnia-Herzegovina

KEYWORD: COVER; QUOTE; MELIKA KREITMAYER; BOSNIA-HERZEGOVINA; SEX CRIMES; RAPE;  
WOMEN; VICTIM; MUSLIM; SERBIA; YUGOSLAVIA; MAP

## BODY:

Serb forces in northern Bosnia systematically raped 40 young Muslim women of a town they captured early this summer, telling some of their victims they were under orders to do so, the young women say.

Statements by victims of the assault, describing their ordeal in chilling detail, bear out reports that the Serb conquerers of Bosnia have raped Muslim women, not as a byproduct of the war, but as a principal tactic of the war.

" 'We have orders to rape the girls,' " Mirsada, 23, one of 20 young victims interviewed by Newsday, said the young man who abducted her told her. He said he was "ashamed to be a Serb" and added that "everything that is going on is a war crime," she said.

Hafiza, also 23, said she sought to dissuade the soldier who raped her. "I tried crying and begging," she said. "I said, 'You have a mother and a sister, a female in the family.' He said nothing. He didn't want to talk. Then he said 'I must. I must.' I said, 'You must not, if you don't want to.' " But she was unable to stop him.

The incident involved 40 young women from Brezovo Polje, a small town on the Sava River, where conquering forces marched in, seized all the civilians, and dispatched them according to age and gender to their assigned fate.

The rape victims were interviewed in a refugee center, their only refuge after the destruction of their homes, their families and the basis of their economic survival. They agreed to be quoted and photographed, provided they were identified only by first name and age.

"We want the world to know about our truth. All mothers. All women," said Senada, 17, who wrote a statement by hand and gave it to the chief gynecologist at Tuzla Hospital with the request she pass it on to Newsday. "I wouldn't want anyone else to have the same experience. It is worse than any other punishment in the world."

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The Brezovo Polje episode is only one of a number of indications of a pattern of systematized rape during the Serb conquest of Bosnia.

In separate interviews in Tuzla, four young women from the village of Liplje, near Zvornik, said their Serb captors had detained them in a makeshift bordello where three or more men raped them every night for 10 nights. A leading Bosnian women's group has charged that upward of 10,000 Bosnian women are currently being held in Serb detention camps where their captors rape them repeatedly, though that has not been independently confirmed. Another pattern is the rape of pregnant women and some middle-aged women.

Dr. Melika Kreitmayer, leader of the gynecological team that examined 25 of the 40 victims from Brezovo Polje, said she and her colleagues are convinced that the object of the rapes was "to humiliate Muslim women, to insult them, to destroy their persons and to cause shock."

"These women were raped not because it was the male instinct. They were raped because it was the goal of the war," she said. "My impression is that someone had an order to rape the girls."

She cited as proof that some young women said they had been taken to a house and not raped, but were instructed to tell others that they had been raped.

Kreitmayer, who is of Muslim origin and whose team includes a Serb and a Slovene doctor, made those assertions without any sign of objection from her colleagues. "We are shocked by what we have heard," commented her Serb colleague, Dr. Nenad Trifkovic.

According to the young women, the rapists discussed the assaults with their victims as a mission they had to accomplish. Many of the men fortified their resolve by taking white pills that appeared to stimulate them, the women said. The men's claim they were operating under orders was reinforced when a new group of irregular forces arrived that owed its allegiance to one of the most savage of the warlords, Vojislav Seselj, a militant nationalist from Sarajevo. The leaders of the original group tried to protect the women of Brezovo Polje from the Seselj followers, the women indicated.

" 'Don't worry. The girls have been raped once,' " Zlata, 23, recalled one of the officers as telling the Seselj followers.

According to the victims, preparations for the mass rape began early on the morning of June 17, when Serb soldiers in army uniforms and masks piled out of their minivans and rounded up the Muslims of Brezovo Polje for "ethnic cleansing."

They loaded the able-bodied men from 18 to 60 onto buses and sent them "for interrogation" to Luka, a notorious, Serb-run detention camp in nearby Brcko, where nine in 10 prisoners were slaughtered, according to a survivor interviewed by Newsday.

Then they packed about 1,000 women, children, and old people into eight buses, drove them around the countryside for two days and held them under armed guard for four terrifying nights without food or water in a parking lot in the nearby town of Ban Brdo, the victims said. Serb soldiers returning from the front invaded the buses every night and led off women and girls to an unknown

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location at knifepoint, recalled Senada, 17. "They threw them out in the morning, and their clothes were torn, and they were covered with blood," she said.

Finally the group arrived in Caparde, where about 50 Serb irregulars, bearded followers of a warlord named Zeljko Arkan, robbed the mothers and forcibly separated them from their daughters. The mothers were taken by bus and deposited in a war zone. Meanwhile, in the Osnovo furniture warehouse in Caparde, where the daughters were held, the men, mostly with long beards in the style of the World War II Serbian royalist force known as the Chetniks, selected what one of the rapists said were the 40 prettiest young women of Brezovo Polje and raped them in groups of 10.

Hajrira, 21, said she asked Dragan, the man who raped her why they were doing it. "He said we are the cleanest convoy that passed Caparde, the prettiest and most attractive, and that they wouldn't let us pass because we are so beautiful."

The victims are aged 15 to 30, with wholesome looks, careful dress and gentle manners.

"They would come by and tap us on the shoulder.," recalled Hejira, 21, one of the victims. "They told everyone else that we had gone to 'fetch water.' Some of the girls came back two hours later. Some the next morning. And each of them sat down and cried," she said.

The mothers arrived in Tuzla on June 23, distraught about their missing daughters and traumatized by the journey, which began with another bus ride and ended with a forced 12-mile walk through a war zone on a road littered with human corpses and animal carcasses.

Their daughters arrived four days later, after a forced walk across a mined road with a number of elderly people of whom died en route, they said.

The young women were exhausted and in a state of shock, doctors said. Most, according to the gynecological team that later examined them, had vaginal infections of staphylococcus and other bacteria that originate in dirt or fecal matter. Almost every one of 20 women interviewed by Newsday reported that the men who raped them were filthy and smelly, and in some cases had blood on their bodies.

The health and psychological stresses upon the young women of Brezovo Polje are only part of their tragedy, for each is missing a father or a brother as well as the material basis of their lives. They are women in the prime of life, but few have anywhere to go, and the rapes have shaken their confidence. Almost every one broke into tears as she talked over several days to this reporter.

Their trauma is not over, for as Kreitmayer noted, many of them may become pregnant. The hospital will provide hormonal drugs to induce abortion, she added.

The deepest hurt seems to be moral shame. These women were from the countryside, where premarital sex is prohibited, and Kreitmayer confirmed that all but one had been virgins at the time of they were raped. Most of them think they have been ruined for life.

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"We all feel that we lost everything," said Heira, 25. "We have been abandoned. We have been imperiled. Every woman, if she is raped, has to feel the same."

Satka, 20, said she despised the man who raped her because "he had no feeling for me. I wasn't his girlfriend. It was savagery." She said she felt shame because "I was an honest girl. I was a virgin. I gave it to someone who didn't deserve it. Someone whom I love deserves it. But not a savage."

Meira, 17, said the man who raped her threatened her with a hand grenade. "Mine put a grenade in my hand. He told me 'All Serbs are good, and I am a good Serb.' And if I didn't agree, he could kill both of us with a bomb." The young man took the grenade back and put it on the table. Meira said she assumed he was ordered to rape her.. He did not apologize "but said that he had had to do it. He said it was better for me that he did it than the followers of Seselj, who would rape 10 men to one woman."

No such excuse seemed to be forthcoming in the rape of several pregnant women, who were so shattered that they asked to have their babies aborted.

Kreitmayer said one nurse from Brezovo Polje had lost her mother, father, husband, and 4-year-old child "in front of her eyes." The woman told doctors the Serb conquerors decided not to kill her but brought her to their military hospital. "She worked every day for them but every night she was raped. She was sick. She was desperate. She told them she was between two and three months pregnant. But it meant nothing for them," Kreitmayer said. The woman came to the gynecological clinic "so sick that she desperately wanted" an abortion, the doctor said.

For the young women of Brezovo Polje, shame alternates with anger. Each time this reporter returned to the school where they are living, a larger group of victims decided to join in the discussion. Rape has been so rare over the years in Bosnia that there are few professional counselors, and Kreitmayer said this was the first appearance of mass rape and aggression toward women.

The victims say that right now they would like to be anywhere but in Bosnia-Herzegovina. Most say that once they leave here, they do not plan to return ever again.

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August 23, 1992, Sunday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 37  
Other Edition: City Pg. 39

LENGTH: 795 words

HEADLINE: Victims Recount Nights Of Terror at Makeshift Bordello

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Tuzla, Bosnia-Herzegovina

KEYWORD: QUOTE; JASMINA FERIC; BOSNIA-HERZEGOVINA; YUGOSLAVIA; CIVIL WAR; WOMEN;  
RAPE; SEX CRIMES; MUSLIM; INTERVIEW; MURDER; TERRORISM

## BODY:

For five nights, Almira Ajanovic says, she was raped by Serb soldiers inside the temporary bordello they had set up in her home village of Liplje, three men every night.

"They took a knife and cut my dress open," the 18-year-old woman said, recalling how it began. The men, paramilitary troops with long beards in the style of Chetniks, the World War II Serb royalists, had stripped to the buff, and two pinned her to the bed as the third raped her. Then they switched places, each watching the others perform.

It continued for five nights, with different men each time, until the sixth, when they heightened the humiliation by raping Almira in front of her father. "That Chetnik said that he was going to marry me. My father kept silent," she recalled.

Afterward the soldiers took her father to the toilet of the house, and hanged him by his neck, legs and hands until a neighbor rescued him 24 hours later.

Almira said she was unable to look him in the face after the incident. "I didn't want to see my father again for one month," she said. "I still cannot talk about this with him."

Liplje, a mainly Muslim village near the city of Zvornik, had fewer than 500 inhabitants. According to Dr. Melika Kreitmayer, the chief of the rape study group at the Tuzla Hospital Gynecological Institute, practically every woman in the village was raped.

The incidents occurred at the end of May while more than 400 of the villagers were held in a large house that Serb forces expropriated from a prominent local Muslim. Most of the rapists were Serb neighbors, but a few were from Serbia, the victims said.

A 57-year-old mother of six appeared at the institute and reported she had been raped twice nightly for 10 days. "She was very desperate when she came in, under psychological pressure so heavy she couldn't live with it," Kreitmayer

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said. "She fears she has infections. She has an unconscious fear of being pregnant."

The woman, who would not give her name, sobbed as she described what had happened to her. "Eight of them came," she said. "I was alone. I was trying to open the rooms to show them there was no one in the house, and then one of them said: undress yourself. He attacked me from behind."

Both local police officials and the gynecological institute doctors said they are convinced the accounts of rapes in Liplje are true, based on medical examinations, questioning of victims and cross-checking.

Almira and three friends were so angered by what happened to them that they agreed to be identified by full names and ages.

One of their best friends, Nezira Fahrlic, 17, was raped and then strangled to death, they said. Her mother, Hanifa Fahrlic, 50, wrote a statement and gave it to Kreitmayer to be made available to this reporter. "My daughter was strangled. We found her on the couch with her arms at her neck. They raped her and strangled her. It was probably our neighbors [who did it]," she said. "She was very beautiful. She had finished primary school."

Ziba Hasanovic, 18, said she was taken to the makeshift bordello on the second night of the Serb occupation. "That night I was raped by one man, who took my virginity, and then by three others," she said. From the third night, "we were then treated as if we were slaves. Our mothers were suddenly 'mothers-in-law.' "

Ziba said she spent her days in the bordello kitchen, baking bread. "Only two nights I was not raped," she said. She said the men who raped her were "dirty and on drugs" and she knew them by name. "I knew all of them who did it. They were my neighbors," she said.

Jasmina Feric, 20, witnessed the murder of her grandfather. "They cut off his ears, then his throat. They threw him behind the house," she said. She was allowed to live at her parents' house but was taken off each night to the bordello.

Sevlata Ajanovic, 18, was also employed as a cook. "I was raped every night," she said. She asked one captor why they suddenly turned on them. "The answer was that he had to do it. He said, 'Because you are Muslims and there are too many of you.' "

Like other rape victims, the young women of Liplje believe their lives as future mothers and wives are over. "Everyone who is with us now [other refugees] does not believe we were forced," Sevlata said. "And they think we are going to go with them [the Serbs] again. We can't imagine marriage as a normal thing. We know that the man will always be suspicious."

Almira said one of her captors told her they wanted to "plant the seed of Serbs in Bosnia." Today she describes her feelings only as "anger and shame."

"I am very ashamed," Jasmina said. "We will be afraid of making love again our whole lives."

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Ziba, alone of the four, was in a state of fury. "I am angry. I want revenge," she said.

GRAPHIC: Color Photo- These four young women say they were kidnaped and then raped in a bordello in Liplje

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August 9, 1992, Sunday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 5  
Other Edition: City Pg. 4

LENGTH: 1082 words

HEADLINE: Bosnia Rape Horror

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Split, Croatia

KEYWORD: YUGOSLAVIA; CIVIL WAR; BOSNIA-HERZEGOVINA; SERBIA; CROATIA; ARMED  
FORCES; RAPE; WOMEN; ASSAULT; PRISON; PRISONER

## BODY:

Dressed in jungle fatigues and armed with knives and guns, the guards scoured the dark, crowded room with their flashlights, searching for girls to abduct for the night. Then one of them noticed 16-year-old S.T.

"Get up," he ordered, rifle in hand.

Her mother began to cry. But the guard knew how to put a stop to that. " - - your mother," he said, drawing his knife.

S.T.'s mother fainted, and the teenager was led at gunpoint with three other girls to a covered green truck, where she was raped three times. She spoke on condition that she not be identified by name.

The triple rape of the Muslim teenager in June was only one among thousands, maybe tens of thousands, of assaults that officials of Bosnia-Herzegovina fear have been carried out against Muslim and Croat women in the Serb prison camps of northern Bosnia.

Reports of rape have been so extensive that some analysts think it was systematic. Sevk Omerbasic, leader of the Muslim community in Croatia and Slovenia, who is in direct touch with hundreds of refugees a week, has reached that conclusion. "There is more and more evidence that all the young women have been raped," he told Newsday in a recent interview.

There are an astonishing number of reports of gang rapes of girls just above the age of puberty. And unlike S.T., who was released from the Trnopolje camp in late June, thousands, perhaps tens of thousands, of rape victims may remain in these prisons set up in schools, factories and villages.

The Bosnian government estimated Friday that 200,000 people, mostly women, children and the elderly, are being held. Officials said they know of at least one or more camps reserved entirely for women and children, but they said there is no way to estimate how many have been raped.

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Radovan Karadzic, head of the Serb Bosnian government, denied that there are any detention camps for civilians in Bosnia and added that no women or children were detained at any location. Asked about the reports of systematic rape, he told Newsday: "There are six places in Sarajevo alone where they [the Muslims] are raping Serb women. We Serbs know what is going on."

For her family, S.T.'s ordeal was another wrenching trauma in the tragedy that has befallen them since Serbs began the "ethnic cleansing" of northern Bosnia.

The family has been virtually destroyed, and no one knows if it can be put back together. Serbs took S.T.'s father, a house painter, to the Omarska camp, where witnesses have reported killings of large numbers of prisoners. No one knows where her 21-year-old brother is, or if he is alive.

The conquering force took over their house in Kozarusa and almost certainly ransacked it. The fate of the 14 relatives who remained behind in the northwest Bosnian region is uncertain at best. And S.T. must forever live with the trauma of that night in June at the Trnopolje camp.

Yet despite all they had been through, or perhaps because of it, the mother and daughter agreed to the suggestion of a doctor to talk to a Newsday reporter on Thursday. Their only condition was that they be identified only by initials.

The evening at the modest apartment of S.T.'s uncle in this Adriatic seaport might have proved cathartic, had it not been for the videotape unexpectedly shown on television giving a first look at the inmates at the Omarska and Trnopolje prison camps.

As she watched the emaciated prisoners barely able to lift their soup spoons with the colored liquid that had been sloshed into their bowls, M.T., the 42-year-old mother, started weeping, and S.T. sat quietly, occasionally sobbing.

The tape was run a second time, and they searched the faces of the prisoners behind the-barbed wire fences for the missing father and brother. Neither appeared. S.T. looked crestfallen. No one said a word.

The rape was also a fairly speechless affair. The three guards were clean-shaven, S.T. said. Each had a "four S's" tattoo on his hand, initials of the slogan under which the Serb military has committed mayhem in Bosnia: "Only solidarity saves the Serbs."

The three soldiers and the four girls climbed into the back of the military truck, which came with a driver, and they stopped outside a gas station a few miles from the camp. S.T. was crying, and the guards left her on the truck. The other three girls, who were older, were led into a house that had once belonged to a prominent Muslim in the town and now served as the brothel for the camp guards. There were about a dozen other men inside.

The soldier remaining behind ordered S.T. to disrobe and lie down on the floor of the truck. He left his clothes on and forced her to have intercourse. When the first soldier was satisfied, he fetched his friend. Finally, the third one took his turn.

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"What are you doing?" S.T. recalled asking the last of the rapists.

"That's what your people are doing to us as well," he said in reply.

He thought a minute and said, "I'll get you out of here." Then he told her to get dressed. Before driving off, he called out to his buddies, "I'm going to get some more." Then he drove her back to the crowded room in the school at the Trnopolje camp and left her there.

He searched the room with his flashlight, and the process began all over again. It was the second of three visitations that night.

In a way, S.T. was lucky. The other girls remained inside the brothel, and one of them told S.T. she had been raped by 12 different men that night. The soldiers brought them back at about 3:30 a.m.

S.T. and her mother left Trnopolje camp a few days later, loaded like cattle into closed boxcars for a daylong trip through a war zone into Muslim-held territory. After walking, driving, being bused and undergoing an eight-hour train journey to Zagreb, they arrived at the city's main railway station destitute, hungry and weak.

S.T. fainted on the platform and was taken to a gynecological hospital. When she appeared at a suburban clinic in Zagreb on June 25, she was in shock. "She stood like a stone," the doctor, Vanda Panjkota, recalled. The doctor prescribed a hormonal anti-pregnancy drug. She didn't ask any questions. "It was nonverbal communication. I don't think she said more than two or three words," Panjkota said.

S.T.'s mother also was along, and could hardly speak.

"She was speaking in sign language," the doctor recalled, "as if to say, 'Please help us.' " Two other nurses observed the scene.

"We looked at her, and wanted to cry with her," said the doctor.

GRAPHIC: Reuter Photo- Refugees from the former Yugoslavia, some of the 2, 500 people taken from the war zone yesterday by the Red Cross, wait for a bus at a train station in Wetzlar, Germany.

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August 5, 1992, Wednesday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; SERBS' DEATH CAMPS; Pg. 4  
Other Edition: City Pg. 5

LENGTH: 999 words

HEADLINE: How the Guards Chose the Victims

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Zagreb, Croatia

KEYWORD: COVER; YUGOSLAVIA; BOSNIA-HERZEGOVINA; CIVIL WAR; GENOCIDE; SERBIA;  
MUSLIM; CROATIA; WAR; CRIME; PRISONER; MAP

## BODY:

Serbian guards at the Omarska concentration camp in Bosnia daily executed dozens of Muslim and Croat prisoners from the thousands being held in at least three locations in the sprawling former mining complex, according to interviews conducted by Newsday yesterday.

Guards selected seven or eight victims at random each night using a flashlight in a darkened warehouse, where 600 to 700 were packed together, according to a 53-year-old Muslim camp survivor interviewed yesterday. The survivor, who asked to be identified only as "Hujca," said the only apparent trait the victims shared was their muscular build.

"The next morning they were not there," Hujca said. Guards returned the next day to select a team of young men to bury the dead, some of whom had been shot through the mouth, while others had their throats slit, he said. He did not witness the killings himself. On one occasion he saw eight corpses covered with blankets. On other days, members of the burial crew told him what they had seen.

Hujca's narrative, along with a new indirect account obtained yesterday about prisoners kept in an outdoor pit at Omarska, added grisly new details to eyewitness accounts published by Newsday on Sunday. Newsday described allegations of thousands of deaths at the Omarska camp and at a separate camp in Brcko in northeast Bosnia.

The new disclosures added to an emerging picture of the Omarska camp and to what international human rights agencies fear may be slaughter on a huge scale. Newsday hasn't been able to visit the camps. Neither has the International Red Cross or any other international agency. The United Nations Security Council last night demanded that prison camps in the region be opened for impartial international inspection.

Serbian officials in Bosnia have denied that any civilians are being held in prison camps. Yugoslav Prime Minister Milan Panic, who presides over a government that consists only of Serbia and tiny Montenegro, acknowledges that prison camps are being maintained on all sides. He has said that he cannot confirm or deny the existence of death camps and favors closing all camps.

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In an interview conducted yesterday, Hujca substantiated earlier allegations about the Omarska camp. He said he was held in a warehouse for 12 days in May, jammed into a room packed so tightly that no one could lie down to sleep. He had been a fighter with the Bosnian defense force, but disposed of his submachine gun and was not detected when he joined townspeople from Kozarac, a town in northwest Bosnia conquered by Serb forces in May. But thousands of civilians were detained by Serbian units, and all of them ended up at Omarska.

When he arrived at the camp, Hujca said, he saw a prisoner who jumped through a plate-glass window in the camp administration building and landed on top of a soldier. "The guards near us shot a volley at him, but I think he got away." And shortly after arriving, he saw guards club a man to death. \*\*\* (APPEARED IN CITY EDITION) He recognized the victim as the manager for the Kozarac sawmill. \*\*\*\*

Hujca was held in Omarska during the same period as another survivor named 'Meho,' whose testimony Newsday described on Sunday. Both men said that 8,000 prisoners, most but not all of them men, were held at the time. The Bosnian government estimates that there are 11,000 prisoners there. Meho was held inside a metal cage that was part of an ore loader in the mine. Hujca was in a warehouse in another part of the facility.

Like the prisoners in the ore loader, those in the warehouse were malnourished, Hujca said. They received "a tiny piece of bread" every 24 hours.

In addition, an indirect account provided details of the conditions within a huge open pit, where hundreds of prisoners were held.

Prisoners were summoned by guards to climb more than 100 feet to the surface, never to come back, according to Fahrudin Ganic, 30, a member of the Bosnian Muslim defense force, quoting a 15-year-old Muslim boy who had been confined to the pit for over a week in mid-June. The boy did not know what became of them.

Ganic and two other Bosnian fighters who had recently arrived from north Bosnia also said they had witnessed a massacre in the village of Biscani just two weeks ago in which at least 150 people were gunned down at short range by Serb forces.

The Muslim boy was from the village of Cerici and Ganic was able to identify him only by his family name, Gredelje. He had been at Omarska for about a week and was released apparently because he was considered to be underage. Serb forces transferred him from Omarska to a nearby camp at Trnopolje and then released him to his home village, said Ganic. Two days after returning, the boy heard that he was about to be re-arrested, and he escaped into the woods, where he met the home guardsmen, Ganic said. Gredelje left Bosnia with a different group who headed south, according to Ganic.

This story of conditions in the pit supports two other indirect accounts cited earlier by Newsday. A resident of Banja Luka and a UN source earlier said that thousands were being held in the pit and were dying from starvation and exposure to the elements.

When it rains, the prisoners must stand in the red mud, for there is no shelter, Ganic said. There are no toilets, no beds, and the men must stand or crouch in close quarters with their bodily waste.

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Stomach ailments are endemic, and the prisoners are fed like animals. The guards throw in about one loaf for roughly every eight prisoners. The only relief from the day's heat was that occasionally a guard would spray a hose at the detainees, Ganic said.

Ganic spoke to a Newsday reporter at the unofficial headquarters of the Bosnian defense forces in Zagreb along with two fellow guardsmen, who identified themselves only as "Mirsad," a 33-year-old attorney, and "Edwin," a 32-year-old carpenter. The three had recently escaped from north Bosnia after Serb forces broke through their defense lines.

GRAPHIC: 1) Photo by Andrew Kaiser- 'Huja', a survivor of Omarska concentration camp in Bosnia. 2) Color Cover Photo by Andrew Kaiser- 'Huja', a survivor

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August 5, 1992, Wednesday, NASSAU AND SUFFOLK EDITION

SECTION: VIEWPOINTS; Pg. 46

Other Edition: City Pg. 40

LENGTH: 429 words

HEADLINE: Serbian 'Ethnic Cleansing' Echoes Nazi Atrocities

KEYWORD: SERBIA; BOSNIA-HERZEGOVINA; WAR; MINORITY; DEATH; NAZI; GERMANY;  
HISTORY

## BODY:

The daily news reports from Bosnia bear the ghostly echo of dispatches out of Europe's darkest corridors of history. They tell of a grisly replication of the pogroms, concentration camps, deportations, forced marches and gulags carried out by the most notorious despots of modern times, Hitler and Stalin.

Some of the most harrowing scenes, reported by Newsday's Roy Gutman in Bosnia, are those of women and children forcibly separated from their families, and those from death and torture camps in which more than 1,000 civilians have been summarily executed or starved and thousands more are being held ill and injured until they die.

When Serbian fighters, in the name of "ethnic cleansing," succeed in forcing more than 2.5 million people to leave their homes forever, the world must begin to acknowledge the sheer enormity of their actions. Before the European Community, the United States and other members of the western alliance can summon the political will to bring some sort of collective force to bear on Serbia, they must persuade their own people that the ethnic terror imposed on Bosnia goes beyond the internal convulsions of a far-off civil war.

Somehow, through the force of moral outrage and through political leadership, the western alliance must first make the case to constituencies turned inward by economic stagnation that they must care about the horrors inflicted on Bosnians - care deeply and selflessly enough to fight for them.

Unless western leaders can do that, all the condemnation from pulpits and lecterns and editorials from Washington to Ankara will be hollow protestation. And cries of grief in the news stories from Bosnia will become ever-fainter voices from a mass grave.

A recognition that we, as members of an alliance of nations, must share a common concern for human decency and act to prevent its violation in Bosnia must be made explicit and public from the portico of the White House and the front steps of Downing Street. All else - from military coalitions to naval blockades - is logistics.

Real obstacles exist to a collective western intervention in Bosnia: They range from internal conflicts at the UN Security Council to the political dynamics of the American presidential election. And they should not be underestimated. But they cannot even be tackled unless the United States and

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its allies first agree they have a responsibility and even a duty to intervene. Until then, we can only remind ourselves of what George Santayana wrote: Those who cannot remember the past are condemned to repeat it.

GRAPHIC: Reuter Photo- The suffering goes on (40 C)

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Copyright 1992 Newsday, Inc.  
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August 3, 1992, Monday, HOME EDITION

SECTION: NEWS; Pg. 4

Other Edition: Nassau and Suffolk Pg. 4, City Pg. 25

LENGTH: 1038 words

HEADLINE: Personal Account Of Terror

BYLINE: After a lengthy interview, a former prisoner at the Bosanski Samac detention camp handed Newsday reporter Roy Gutman a written statement describing torture he said he and other prisoners were subjected by their Serbian jailers

KEYWORD: PRISONER; TORTURE; INTERVIEW; BOSNIA-HERZEGOVINA; SERBIA; CROATIA; MUSLIM; YUGOSLAVIA; VIOLENCE; CIVIL WAR

## BODY:

After a lengthy interview, a former prisoner at the Bosanski Samac detention camp handed Newsday reporter Roy Gutman a written statement describing torture he said he and other prisoners were subjected by their Serbian jailers. Because of relatives still held in camps the man insisted on being identified only as "Survivor."

I was one of 800 prisoners, held by the Serbian authorities of the so-called Serbian district of Bosanski Samac in their concentration camps. There were five of these jails or centers in Bosanski Samac.

The prisoners were Croats, Muslims and Albanians, that is people of non-Serb nationality. Among the prisoners there were women and old men, men of over 60, and one who was 73. Prisoners were not being brought from the battlefields as captives but from their homes.

Practically all of them had to go through various kinds of torture: beatings, being kept in closed, hot suffocating premises, denied drinking water, and denied the use of the toilet, as well as poor nutrition.

The beatings were at the beginning done by special forces, from Serbia. Later the job was taken over by policemen who guarded us. They were local Serbs who carried out their jobs far more brutally than the special units men. They beat us with iron bars, wooden 2 x 4's and truncheons, iron and rubber devices for beating, with their feet, and they were wearing military boots, with their fists, and hands.

The victim was beaten over the head, neck, shoulders, back, chest, hips, feet, and arms, that is over the entire body.

Sometimes he was beaten by one man, sometimes by three, and sometimes even 10 policemen at the same time. They usually beat us during the daytime, sometimes in the room where we were housed, and sometimes in the yard.

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After torture like this, the victim was covered with blood, over the head, and back, and his back was blue and red from the blows.

Special forces would beat us during the day outside in the yard. Policemen-guards usually beat us at night. They would take the victims out one by one, and three to four of them would throw themselves on him in the dark. And sometimes up to 10 policemen. They beat him with anything and everything, so that the victim's screams were horrible to listen to for us. Each of us feared we would be the next one they would beat.

A victim who could still walk would be thrown back into the room like an animal, all bloodied and blue with bruises.

There were times when the victims could not walk from the blows or had fallen unconscious so two other prisoners would have to carry him into the room.

I know that they beat one prisoner so long that at the end, one of the policemen hit him with a two by four over the forehead and he fell unconscious. This happened during the night, and two other prisoners brought him in in the morning. He only regained consciousness the following day around 10 in the morning.

After we were let out of the jail through an exchange [for Serbian prisoners], after medical checks, a large number of prisoners were found to have several broken ribs. The one who was hit with the two by four on the forehead had to have an operation on his head in Zagreb.

Apart from beating us, they tortured us by preventing us from going to the toilet as the need arose; from having drinking water, and in other ways. The last month before the exchange, we were getting only one meal a day, lunch, sometimes this lunch, the only meal in 24 hours, was a small slice of bread with jam.

In their tortures, they went so far as to make a prisoner eat sand. [And they forced one prisoner to swallow his own feces, another to perform sex acts on a fellow prisoner.]

It was a terrible scene when one special force man from Serbia decided to show us, as he put it, how Chetniks slaughter their victims. While he selected his victim with a knife in his hands, every one of us thought he was going to be the victim. We stood there terrified while he made his choice. He selected as his victim one of two Albanian brothers, the younger of two.

He ordered him to crouch down on all fours and to spread out as far as he could in the middle of a circle that we had been made to form around him. He tortured us and the victim horribly, psychologically by drawing his knife around, on all sides of his neck, but without cutting. Then he began to kick the victim with his feet and fists on the head and all other parts of the body.

I think the most horrible night was the one between the 7th and 8th of May, when a Serbian Special Force squad came to the Farmers' cooperative storerooms in Crkvini [three miles from Bosanski Samac and another of the five internment centers] and shot 15 of the 45 people there. When the door of the storeroom was forcibly opened, we were ordered, without the lights being turned on, to line up along one side of the room, which we did speedily.

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Another Special Force man shined a flashlight on us one by one, and the first Special Forces man chose his victim, hitting him on the head with his gun, and then shooting him and killing him. The people were collapsing on the floor in a heap, and blood was pouring across the concrete floor. When he finished his first round, he ordered the others who had survived to quickly line up on the other side of the room, which we did. He again began to choose and to shoot his victims. I know that in the second round he asked everybody their name and their occupation, and then he made his choice on those grounds, and then shot the people.

About 15 people were left lying dead in that room. Around them, on the concrete, was a pool of their blood.

Then they moved us over to the third side of this room, and they ordered the younger people to load the dead bodies on a truck, which had come up to the doorway, then he told them to clean the blood off the floor, which they did. We spent that night in that same room.

We have kept the terrible story of what we saw there as a secret from the other prisoners and we did not even talk about this horrible night amongst ourselves.

QUOTE OF THE DAY. 'That night I said good-bye to the world. I just wanted to die.' - H.D., 38, detailing torture at a detention camp in Bosnia-Herzegovina (Pg. 2 NS)

GRAPHIC: File Photo by Andree Kaiser-Bosanski Samac police station in Bosnia, photographed from across Sava River in Croatia. The building is one of the detention centers where Muslim and Croat prisoners said they were tortured by Serb forces. Newsday map-Croatia

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August 3, 1992, Monday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; GULAG; Pg. 4  
Other Edition: City Pg. 6

LENGTH: 901 words

HEADLINE: The War Against Muslim and Croat Civilians: Former Inmates of Serbian Forces Describe Atrocities

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Slavonski Samac, Croatia

KEYWORD: COVER; TORTURE; BOSNIA-HERZAGOVINA; PRISONER; CIVIL WAR; YUGOSLAVIA;  
MUSLIM; CROATIA; SERBIA

BODY:

NIGHT AFTER NIGHT, the screams and wails of Muslim and Croat women and children detained by Serbians in Bosnia can be heard across the Sava. Trucks drive up near the riverfront police station. There is screaming. The trucks drive off.

For men who were in the camps last spring, the cries are doubly haunting. From April to June, the sounds from across the river, they said, were of men screaming as they were beaten inside the police station.

Here on the Croatian side of the river, Muslim and Croat men who were released in prisoner exchanges have no idea what is happening to the women of Bosanski Samac. Are they being separated from their children? Are they being taken to other camps? Are they being prepared for exchanges?

Once these modest towns were linked by commerce, marriage and sports. But today, the Sava has become a river of blood, as it was during World War II. The bridge lies in ruins, watched by Serbs from a guardpost under the structure and by snipers armed with rocket-propelled grenades and high-powered rifles from positions atop the grain silos.

Daily, six or seven corpses float down the river between the twin towns, the men say, killed during the Serb advance into northern Bosnia.

Four men who were prisoners across the river recall the sounds of spring - their own screams. They recall that the beatings intensified in the days before their release. Some of the tortures inflicted upon them were unspeakable. After two hours of talks with four ex-prisoners, one handed a Newsday reporter a written statement describing how they had to watch the murder of 15 detainees and the torture of prisoners. On one occasion, the statement said, a prisoner was made to eat his own feces.

The camps were established as part of the Gulag set up by Serb forces who are now engaged in "cleansing" conquered territory of Muslims and Croats. These were not death camps as such, despite the reported blood orgy in which 15 men were

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executed. .

The four ex-prisoners estimated that 800 men were detained there, many dragged in from the streets while doing their morning shopping, and were brought to storage rooms in the police station, a farmers cooperative, the elementary school, the secondary school and the offices of the territorial defense. An unusual aspect of the Samac camps was that as recently as last week their existence was unknown to the Bosnian government, which sent a list of 94 detention camps to the UN High Commissioner for Refugees. The omission suggests that the total number of camps in Bosnia may be a good deal higher than the number known to date.

The internment of civilians is flatly denied by the Serb leadership of Bosnia. "The Serbian side energetically denies the existence of camps for civilians anywhere in the Serbian Republic of Bosnia-Herzegovina," psychiatrist Radovan Karadzic, head of the Serb Democratic Party, said in a statement to Newsday on Saturday.

But a look at the prisoners, who emerged from detention that lasted two or more months with broken bones, impaired eyesight, organs damaged from the beatings, offered a graphic repudiation. H.D., 38, has a crease across his head, where a guard struck him with an iron bar. He said guards may have singled him out for additional beatings because he had been a member of the Muslim political party SDA, but he said he was not interrogated even once during his 70 days of detention.

"We were beaten with iron bars, baseball bats, and truncheons, but we called the truncheons 'bananas,' for they represented a kind of relief." He would not give his name because his wife is being detained, so far as he knows, in the village across the river. One day a group of four Serb guards beckoned to him. They removed four baseball bats from a leather bag and began beating him. "I have watched baseball on TV, and they swung them as if they were hitting a ball, with both hands. That night I said good-bye to the world. I just wanted to die," he said.

One 61-year-old man asked to be identified only as "Survivor." His is a story of sadist depravity. "The victim was beaten over the head, neck, shoulders, back, chest, hips, feet, and arms, that is over the entire body," he wrote. "Sometimes he was beaten by one man, sometimes by three, and sometimes even 10 policemen at the same time. They usually beat us during the daytime, sometimes in the room where we were housed, and sometimes in the yard. . . "

[\*\*\*THE FOLLOWING APPEARED IN THE H VERSION\*\*\* After torture like this, the victim was covered with blood, over the head, and back, and his back was blue and red from the blows."

Much of the treatment seems standardized in camps across northern Bosnia, judging from accounts by former prisoners. Detainees are packed into tiny storage rooms so tightly they could not lie down and at best could sleep in shifts. Guards allowed them access to the toilet once a day if at all and fed them meager rations. But the pattern varied. In Bosanski Samac, the guards would stand in a cluster and make the prisoner walk around them, each taking a swat at him with a two-by-four or a truncheon as he passed.

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But the sadism took on a new dimension at the farm cooperative at which he was held. "In their tortures, they went so far as to make a prisoner eat sand," he wrote, and also forced one to swallow his own feces, and another to perform sex acts on a fellow prisoner.]

GRAPHIC: 1) Color Cover Photo by Andree Kaiser-One of the detention centers where prisoners said they were tortured. 2) AP Photo-RISKY PURCHASE. To buy eggs in market near Sarajevo, cheaper than those downtown, one risks sniper fire. 3) Reuter Photo-Belgrade missiles, below, part of Yugoslav arsenal that would be used against attack.

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August 2, 1992, Sunday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 5  
Other Edition: City Pg. 13

LENGTH: 659 words

HEADLINE: Witness' Tale of Death and Torture;  
In six-week spree, at least 3,000 killed

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Zagreb, Croatia

KEYWORD: YUGOSLAVIA; GOVERNMENT; BOSNIA-HERZEGOVINA; SERBIA; CROATIA; MUSLIM;  
GENOCIDE; WAR; CRIME; CIVIL WAR; PRISONER; MASS MURDER; DEATH; STATISTICS

## BODY:

The Serb captors executed some of their Bosnian prisoners with pistols, but the preferred method was slitting throats, according to survivor Alija Lujinovic. Then the bodies would be stripped naked and thrown into the Sava River.

"They would say they are feeding the fish," he recalled.

The outcome was one of the worst recorded slaughters of the Serb-led war in Bosnia, according to the Bosnian government's Commission on War Crimes. After a six-week killing spree from the beginning of May to the beginning of June at the Brcko concentration camp and surrounding areas, at least 3,000 people were dead, the highest death toll at any of the 94 camps listed by the commission.

Lujinovic, a 53-year-old Muslim, said he was one of only 150 prisoners still alive of the 1,500 who had arrived at the beginning of May. After slaughtering nine-tenths of the prisoners, the guards turned on townspeople who had not been captured, he told Newsday during a two-hour interview Wednesday.

Then, instead of tossing those bodies into the Sava, they had prisoners drive them to an animal feed plant, he said. Lujinovic said the prisoners didn't actually throw the corpses into the oven, but they had every reason to believe the bodies were being cremated for animal feed, for that day, "the air in Brcko would stink so badly you couldn't open the window."

Lujinovic was a traffic engineer employed by the city of Brcko in northeast Bosnia when the Yugoslav army, directed from Serbia, launched an assault to capture a land corridor through northern Bosnia in early May. He said he experienced nearly every form of humiliation the Serb captors inflicted on Muslim prisoners, from desecration of the local Mosque to witnessing the murder and mutilation of male prisoners and gang rape of Muslim women.

Sometimes the prisoners were subjected to horrible mutilations before they were tossed into the Sava. "The very worst day, and I saw it with my own eyes, was when I saw ten young men laid out in a row. They had their throats slit,

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their noses cut off and their genitals plucked out. It was the worst thing I saw." A Serb guard appeared before the prisoners who were made to observe the killings with a homemade wire device with three prongs attached to a long handle. "He threatened that he would castrate us," Lujinovic said.

The first to be executed were the Muslim political party members and the Bosnian home guard, he said. "They called out names, took out the prisoners, and started killing. We would hear three shots and the man would not come back," Lujinovic recalled.

But they soon switched methods and began slitting throats of prisoners, he said. "They would tell them to lie down and and put their head on a concrete block. The guards would cut their throats. I saw it with my own eyes." The bodies were positioned so that the blood flowed into the Sava. And finally, after about a month of executions, the guards started executing the townspeople, he said.

Lujinski was saved, he said, because a benefactor, whom he would not identify, bought the release of 120 prisoners. In fact, he said, when the police chief came in on June 23 and read out the names of the 120 prisoners to be released, his was not among them. But he knew the inspector of police, Dragisa Tesanovic, and he walked across the yard to him. "I asked him how he could keep me here. I said if I had been in his place and he in mine, I wouldn't keep him for even 24 hours. He said you're right, and got my papers."

Lujinski said he escaped Bosnia by signing over all his property to the newly installed Serb authorities at a special office set up for the purpose. There he saw a Serb he knew, named Zarko, who seemed astonished to see him.

"Good God. Are you still alive?" he recalled Zarko saying. After four hours of waiting, Lujinski received a pass to leave Bosnia and, on July 13, he took the bus to northern Serbia and then left, via Hungary, for Croatia.

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August 2, 1992, Sunday, CITY EDITION

SECTION: NEWS; Pg. 4

Other Edition: Nassau and Suffolk Pg. 5

LENGTH: 1721 words

HEADLINE: Death Camps;

Survivors tell of captivity, mass slaughters in Bosnia

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Zagreb, Croatia

KEYWORD: COVER; YUGOSLAVIA; GOVERNMENT; BOSNIA-HERZEGOVINA; SERBIA; CROATIA;  
MUSLIM; GENOCIDE; WAR; CRIME; MAP; CIVIL WAR; PRISONER; MASS MURDER

## BODY:

The Serb conquerors of northern Bosnia have established two concentration camps in which more than a thousand civilians have been executed or starved and thousands more are being held until they die, according to two recently released prisoners interviewed by New York Newsday.

The testimony of the two survivors appeared to be the first eyewitness accounts of what international human rights agencies fear may be systematic slaughter conducted on a huge scale. New York Newsday has not been able to visit the camps. Neither has the International Red Cross or any other international agency.

In one concentration camp, a former iron-mining complex at Omarska in northwest Bosnia, more than a thousand Muslim and Croat civilians were held in metal cages, without sanitation, adequate food, exercise or access to the outside world, according to a former prisoner who asked to be identified only as "Meho." The prisoners at the camp, he said, include the entire political and cultural elite of the city of Prijedor. Armed Serbian guards executed prisoners in groups of 10 to 15 every few days, he said.

"They would take them to a nearby lake. You'd hear a volley of rifles. And they'd never come back," said Meho.

"I think if these places are not death camps, we might have access to them", said Pierre Andre Conod, head of the International Committee of the Red Cross delegation in Zagreb, which oversees conditions in northern Bosnia. "They'd have reason to show them to us if the conditions are acceptable." The Red Cross has gained access twice to what Bosnian Serbs have called a prisoner-of-war camp in Manjaca.

Yugoslavian Prime Minister Milan Panic sent word through a deputy that he could neither confirm nor deny the existence of death camps and favored the closing of all camps from all sides in the Bosnian war. The country Panic has taken over is a shadow of the former Yugoslavia and consists only of Serbia, which is accused of sponsoring the war in Bosnia, and tiny Montenegro.

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Serbs, who claim the Bosnian region as their own, describe the policy of expelling Muslims and Roman Catholic Croats as "ethnic cleansing;" reports by the survivors interviewed by New York Newsday suggest this is a euphemism for a campaign of atrocity and brutal deportation at best.

In a second improvised camp, in a customs warehouse on the bank of the Sava River in the northeast Bosnian city of Brcko, 1,350 people were slaughtered between May 15 and mid-June, according to Alija Lujinovic, 53, a traffic engineer who was imprisoned at the camp. Guards at Brcko executed prisoners by slitting their throats or with firing squads, he said.

"Meho," 63, a building contractor from the nearby town of Kozarac, was coaxed out of hiding by a doctor from his hometown for a two-hour conversation with New York Newsday and Red Cross personnel on Friday. Meho said he was detained at Omarska for one week in June before being released, he thinks because of his age. He was held in an ore loader inside a cage roughly 700 square feet along with 300 other men awaiting processing by their captors, he said. The metal superstructure contained cages stacked four high, separated by grates. There were no toilets, and the prisoners had to live in their own filth, which dripped through the grates.

Meho said three people tried to escape by jumping through an open pipe from the top cage to the ground, but all were shot after falling 60 feet to the ground. He said he also heard from other prisoners that during his week in the camp, 35 to 40 men had died "in agony" after being beaten.

International relief agencies said his statement, given to New York Newsday in the presence of officials of the Bosnian Red Cross-Red Crescent, was the first confirmation of their suspicions that Omarska is a death camp. They said they had heard rumors for more than a month about such camps but no one had talked to a survivor.

The International Committee of the Red Cross has been trying for more than two weeks to gain access to Omarska, Conod said, but Serb authorities in Bosnia have turned them down, saying they could not guarantee their safety. The Serb-controlled Bosnian army refused two weeks ago to take a New York Newsday reporter and a freelance photographer to Omarska.

The Red Cross has not yet applied to visit Brcko because, after withdrawing from Bosnia in May following the killing of a Red Cross official, its staff members returned to Banja Luka, the main city in northern Bosnia, and have not yet resumed full operations in eastern Bosnia.

Meho said that while he was at Omarska, from about June 3 to 10, prisoners filled each of the four cages in the ore loader and other prisoners estimated the camp population at about 8,000. The official Bosnian War Crimes Investigation Institute, a government body set up to compile a record of war crimes, in a report last week to the UN High Commissioner for Refugees, estimated there were 11,000 prisoners at Omarska, making it the biggest of the 94 camps known to the commission. It had no estimate of prisoners killed.

According to an eyewitness report quoted by the Bosnian Muslim charity Merhamet two weeks ago, thousands of men were also being held in an open outdoor pit that had been used for mining iron ore. Meho said other prisoners apparently were housed in an ore-separating building and an administration center. He

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said he was not aware of prisoners being kept in the open, at least while he was there. Mirza Muftic, a geological engineer who helped design the mining facility, said the open pit would have been over a mile away so Meho could not have seen it.

Last week, the UN High Commissioner for Refugees issued a report quoting a guard at Omarska as telling a UN monitor that the authorities planned to kill the prisoners at Omarska by exposing them to the elements.

"We won't waste our bullets on them. They have no roof. There is sun and rain, cold nights, and beatings two times a day. We give them no food and no water. They will starve like animals," the UNHCR said in an emergency report published Monday in Geneva in conjunction with a special conference on Bosnian refugees.

Like so many refugees, Meho said he was beaten regularly and witnessed atrocities while he was held at Omarska and at two other camps where he was detained briefly en route to Omarska. When interviewed here, he said he could hardly lift his left arm and he flashed a nearly toothless grin, seven teeth having been knocked out during the beatings he described.

Meho said the Bosnian Serb army had arrested him in his home town of Kozarac on May 27.

"They put Red Crosses on their sleeve, and on the tanks and shouted 'Give up. The Red Cross is waiting for you. You will be protected,' " he recalled. But as they went to buses, he said, soldiers stood at the entrance with truncheons.

"There were three armed guards in each bus. They said if you raised your head, you'd get a bullet through it." The camps had been hastily assembled. Meho was taken first to Keretam, a ceramics manufacturing plant in the town of Prijedor, and then to Ciglana, a brickworks next door, before being sent to Omarska. He said he was picked up because the authorities suspected he had two sons who had fought against the Serbs.

"The system was that they'd take you in for an interview and would say that you'll be set free if you tell about the others. Everybody was accusing the others to save themselves. But they didn't release anyone," he said.

In the ore loader at Omarska, people were crowded so tightly that "there was nowhere to lie down. You'd drowse off and fall against the next person." Every third day, bread was distributed, a two-pound loaf for three people, and after a week, prisoners were given a small cup of weak soup once a day.

In the close quarters, with no sanitation, all the men grew beards and all were infested by lice, he said. The prisoners were sorted by the different levels of the ore loader, and Meho's brother, a 51-year-old X-ray technician, was in the "B" level. Meho said he was in the "C" level. He said Friday that another recently released prisoner told him his brother had died after Meho left.

He said guards took him out for questioning and beatings every other night. He said he knew the man who questioned him, a teacher from Bosanski Novi, and two other guards, one of them a waiter in a restaurant, but all pretended they did not know him. He said he never admitted that he had sons or a brother.

Newsday, August 2, 1992

When the interrogator asked him about his sons, he replied: "Comrade, I don't have any sons." The commander replied: "Don't call me comrade." Meho said he has two sons, one of whom remains in Bosnia.

"Meho said all the soldiers grew long beards in the style of the Serbian Chetniks, a royalist military force during World War II. The commander himself did not threaten Meho's life, he said, but other soldiers did repeatedly. "They would say to us that for every Serb killed on the battlefield, we will take 300 of you."

He said he was the only person to get out of the "C" level, and it probably was due to his age. About 45 people from the "B" level also were removed, all of them men over 60, while able-bodied men between 18 and 60 were all kept at the camp. He was taken to Trnopolje, a village between Omarska and Prijedor, which has been turned into a gigantic detention camp. Because of his condition when he arrived, Meho said other prisoners shunned him at first.

This squares with an account by the daughter of a prominent Prijedor city council member, who witnessed a later arrival of people from Omarska. The woman, a professional who asked not to be named in order to protect relatives who remain behind, said in an interview before Meho's that a colleague had seen the released men and said: "They were all under 18 or over 60. For the first few days, they had to be kept separate. They had lice, even on their eyebrows. They were completely exhausted and very thin." The woman herself was in Trnopolje but was not jailed.

She said the inmates at Omarska included professional women from Prijedor, who apparently were being kept separately from the men in the administration building. Among them were dentists, gynecologists, "anyone of high standing."

Now they are on a hunger strike, the professional says.

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July 21, 1992, Tuesday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 15  
Other Edition: City Pg. 9

LENGTH: 618 words

HEADLINE: Muslims Relate Atrocities

SERIES: This is the second of several reports on a systematic effort by Serbia to eliminate non-Serbs from the region.

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Zagreb, Croatia

KEYWORD: SERIES; QUOTE; BEGAN FAZLIC; MUSLIM; BOSNIA-HERZEGOVINA; YUGOSLAVIA; CROATIA; SERBIA; CIVIL WAR; WAR; SERIES; TORTURE; HUMAN RIGHTS; ABUSE; SEX CRIMES; PRISON

## BODY:

When he emerged from a sealed freight car after three days, Began Fazlic was left with memories of the torture he witnessed during the Serbian conquest of his native town of Kozarac.

On May 17, after Serbian forces entered the town, Fazlic, other elderly residents, women and children were taken to the nearby village of Trnopolje. They spent two weeks in a detention center set up inside a sports hall. The able-bodied men and youths of Kozarac, including one of Fazlic's sons, were taken to Omarska. They have not returned. Muslim officials believe Omarska is a death camp.

In the detention center, Fazlic says he witnessed the execution of his next-door neighbors, Hadzic Ilijaz, and his wife, Ismeta. Ilijaz had been the local chairman of the Muslim SDA party, which had organized the town's resistance. "They demanded that he provide the names of all Muslim activists," Fazlic said. Ilijaz refused.

Fazlic spoke matter-of-factly as he described what happened to the Ilijaz family.

"They [the military] took electric drills and bored them into their chests," he said. The three children, ages 1, 3 and 5, were impaled on spikes. "We saw it with our own eyes," he said.

There were 200 men and women, tied together, arm to arm, in a detention center in the village of Trnopolje, near Kozarac.

At night there were rapes. Guards entered with flashlights looking for young women, whom they took away for the night. "If anyone resisted, they were killed. Only a few did."

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Serbian officials would not comment on the specifics of these allegations. Maj. Milovan Milutinovic, the army spokesman in Banja Luka, told Newsday last week, "In Kozarac, there was a really big group of extremists. They were refusing any kind of negotiations about organizing community life. All attempts to find a peaceful solution failed. They openly resisted. So we answered them energetically."

Finally, the townspeople were deported on sealed trains - two separate trains carrying 2,200 people and 1,600, according to Red Cross officials in the Bosnian town of Zenica, where they eventually wound up before being brought to Zagreb.

The deportees were segregated by sex, except that children were allowed to stay with their mothers. The luckiest were the infants, who were still nursing, Fazlic said. The unluckiest were the small children. "Most of the dead were children," he said. "They'd open the door and take the bodies out and dump them by the roadside. We weren't allowed to bury them."

His car was stiflingly hot. There was no water and little air. The men stripped off almost all their clothes. The train began as a convoy of five freight cars followed by a car of bearded men with machine guns who he believes belonged to the Serbian Chetniks, a militia force.

When the train reached Banja Luka, a few hours down the line, the militia unit asked the army to take charge of the train, but its officers refused. Negotiations continued for three or four hours, and finally, the militia opened the doors of a women's car. The army then provided an escort for the next leg of the journey, into the war zone. Then new guards took over the train.

"They opened the doors. They beat us, demanding money. They ripped earrings off the women. They grabbed anything they could." They stayed an entire night, and then proceeded to Maglaj on the same train.

Fazlic would like to return to Kozarac, what is left of it. The Serbs have renamed it Radosavci. "It was one of the most beautiful cities in Bosnian Krajina," said an official of the Muslim SDA party in Banja Luka last week. "But now, if you Americans decide to intervene, we can present it to you as a golf course. It has been completely flattened."

GRAPHIC: 1) Color Photo by GAFF/Andree Kaiser- Began Fazlic, 66, and other Muslim villagers in Bosnia were deported in a rail car like this one. 2) Photo by Andree Kaiser- Began Fazlic, 66, and other Muslim villagers in northern Bosnia were deported in a cattle car like this one (P 9 C)

LEVEL 1 - 87 OF 94 STORIES

Copyright 1992 Newsday, Inc.  
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July 21, 1992, Tuesday, CITY EDITION

SECTION: NEWS; Pg. 9

LENGTH: 1537 words

HEADLINE: 'Like Auschwitz';  
Serbs pack Muslims into freight cars

SERIES: This is the second of several reports on a systematic effort by Serbia to eliminate non-Serbs from the region.

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT. Seska Stanojlovic contributed to this story.

DATELINE: Banja Luka, Bosnia-Herzegovina

KEYWORD: YUGOSLAVIA; BOSNIA-HERZEGOVINA; GOVERNMENT; MUSLIM; SERBS; CIVIL WAR;  
CROATIA; DISCRIMINATION; DEPORTATION; SERIES

## BODY:

In their zeal to "cleanse" northern Bosnia of its Muslims and Croats, Serbs who seized control of the region have deported thousands of unarmed civilians in sealed freight trains in the past month.

Hundreds of women, children and old people have been packed into each freight car for sweltering journeys lasting three or more days into central Bosnia, according to refugees who survived the ordeal.

"There was no food, no water and no fresh air," said Began Fazlic. "There was no toilet, just holes in the floor," which piled high with excrement. An unknown number of people, particularly children and the aged, have died in the deportations, according to first-person accounts.

An official of the SDA, the Muslim political party, who saw the first two trains said, "You could only see the hands of the people in the tiny ventilation holes. But we were not allowed to come close. It was like Jews being deported to Auschwitz."

Today, according to Muslim community leaders, there are no Muslims left in any of the major towns of northwest Bosnia, where they had made up as much as 90 percent of the population.

The method of deportation was confirmed by Stojan Zupljanin, the police chief in Banja Luka, Bosnia-Herzegovina's second-biggest city and the stronghold of ethnic Serbs in Bosnia. "We arranged 'safe transportation' " for Muslims who, he said, wanted to emigrate.

With more than a million Bosnians made homeless by the Serb assault, passenger trains full of deportees are waiting at the borders of the former Yugoslavia for willing host countries. But movements within northern Bosnia have been almost exclusively in sealed freight trains, according to Muslim

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officials here.

According to eyewitnesses, the first two trains, carrying about 4,000 deportees from the town of Kozarac, passed through Banja Luka around June 12. Some were transported in passenger cars, but the majority rode in cattle cars.

"Even the people in the passenger cars looked exhausted and were in terrible shape. But the guards allowed no one to communicate with them," said an official of Merhamet, the respected Muslim charity in Banja Luka, who also witnessed the first trains. Both the Merhamet and SDA sources are now in physical danger, and their names are not being used.

Since the trains around June 12, according to Muslim officials, freight trains packed with deportees have moved through Banja Luka regularly but after a nighttime curfew, when no citizen is allowed near the station.

A spokeswoman for the International Red Cross said last week that the organization had heard rumors of deportations in sealed freight cars but had been unable to establish any definitive facts.

Police chief Zupljanin painted a rosy picture of the deportation, suggesting that the elderly men, the mothers with infants and the small children had in fact asked to be deported in a way that violates international conventions protecting civilians in wartime.

Zupljanin asserted that the trains had been organized because "a certain number of [Muslim and Croat] citizens had expressed their wish to move to Central Bosnia." He implied that the refugees were happy to be carried in cattle cars.

"None of the refugees asked for first-class carriages," he said. "None of them said, 'If you don't have a passenger train, I wouldn't go.' Anything is better than walking." He indicated that the alternative was a forced march of up to 100 miles.

Asked why police would not allow Muslim volunteers to provide food and water to the refugees, Zupljanin said only: "It was a safety measure."

In fact, local Serbs, who seized power and declared autonomy last spring without consulting Muslims and Croats in the region, drove them at gunpoint out of the villages and towns where their families had lived for centuries, many refugees say.

The Muslims were in the way of a strategic goal extreme Serbian nationalists have promoted for years, the creation of a corridor between the republic of Serbia and Krajina, an isolated pocket of Serbs in the middle of Croatia. Banja Luka Mayor Predrag Radic told New York Newsday last November that Serbs intended to establish a secure corridor in northern Bosnia linking the two Serb communities. Thanks to an enormous military assault by the Yugoslav army, that corridor is now a fact, the central military achievement of three months of war.

To implement Serbian strategy, refugees from throughout northern Bosnia, and Muslim officials in Banja Luka said the Serb-controlled army launched direct assaults using artillery, mortar, and tanks against nearly every town or large village.

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In mid-May and early June, local police and militias rounded up non-Serbs, transported them in trucks and buses to sports halls, schools and stadiums, then ordered them aboard the freight trains.

The police chief confirmed that two freight trains carrying expellees passed through Banja Luka about a month ago, but said he could not recall any subsequent movements. But a local Red Cross official said he was aware of other "evacuations" by trains involving Muslims and Croats from the towns of Bosanski Novi and Prijedor.

According to Merhamet and the SDA, through the middle of last week there were at least 10 trains in the past month, with a total of 100 cars. They estimated that 20,000 people were deported in this manner.

"A friend of mine went to the station to look for relatives on the train," said a longtime resident of Banja Luka, who could be endangered by the publication of his name. "She couldn't find them but she found some of their neighbors. She came back sobbing. She said the people looked pale and exhausted and afraid. Some were still dressed in their nightgowns."

The world community and international relief groups have condemned "ethnic cleansing" as a barbarous practice that also has produced Europe's largest refugee flood since World War II. But little had been known of the workings of the process, in particular the internal deportations, because access to northern Bosnia had been curtailed until 10 days ago as the army conducted its clearing operation.

During a three-day visit to Banja Luka by a New York Newsday reporter and a free-lance photographer, the army declined to provide logistical support or guarantee safety for any trips other than those organized by the command. But through contacts with political parties, governmental and charitable institutions, it was possible to learn at least the outlines of the deportation process.

The authorities made use of the only rail line in northern Bosnia to deport refugees from northwest Bosnia. The principal destination appears to be the central Bosnian region surrounding Zenica, which after the Serb-led blitzkrieg remains one of the few remaining Muslim-controlled areas in the entire republic.

Yet despite extensive checking by New York Newsday with local officials in several towns on the route, there is no indication that the refugees arrived in Zenica except for the first two trains a month ago. It is not known where the deportees on other trains were taken.

"We had to ask from all around for trains. We were doing our best," said Zupljanin. But "best" is a matter of definition. The regional Red Cross official disclosed that on one occasion, on or around June 18, a freight train filled with deportees was sent into a battle zone and was left there until he negotiated safe passage with his Croat and Muslim counterparts.

"We only get involved in these evacuations when passage is closed," said Miroslav Djekic, secretary of the regional Red Cross. "We made contact with the Red Cross on the other side of the front lines and asked them to provide safe passage." After an agreed ceasefire, the train proceeded and the refugees somehow made their way out of Bosnia and into Croatia, he said.

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Although the Red Cross is almost always involved in movements of civilians in war zones in civil and international wars, Djekic said the Serb-controlled government of this region, known as Bosnian Krajina, had decided to restrict its role to cases where safe passage must be negotiated through a conflict zone.

Instead it founded a parallel organization, with an innocuous name, the "Center for the Reception of Refugees." He said the government felt that the Red Cross "wasn't able to accomplish the necessary work because the needs of such refugees is so considerable." But the two organizations may be "two bodies but have one soul," and work closely together. He said the newly organized "center" in fact handled all the "evacuations" from northern Bosnia.

But the center takes its shortcuts, to judge from another account that originates with refugees who escaped from a deportation train and returned to Banja Luka.

According to a source who heard it from the refugees, the deportees travelled for four days and four nights without food or water when their train halted in the middle of a clearing. There the doors to the freight cars were opened, and the passengers were told, "Get out and walk to the Muslim region." During the all-night walk of about 15 miles to the town of Maglaj, two women gave birth and one old man died. "They had to dig the grave by hand," the source said.

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July 19, 1992, Sunday, ALL EDITIONS

SECTION: NEWS; Pg. 7

LENGTH: 1764 words

HEADLINE: Prisoners of Serbia's War;  
Tales of hunger, torture at camp in north Bosnia

SERIES: This is the first of several reports on the systematic effort by the Serbs and the Serbian army to eliminate any trace of other ethnic groups.

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Manjaca, Bosnia-Herzegovina

KEYWORD: SERIES; YUGOSLAVIA; GOVERNMENT; BOSNIA-HERZEGOVINA; CIVIL WAR; SERBIA; CROATIA; POW; WAR; PRISONER; HUMAN RIGHTS; ABUSE; INTERVIEW

## BODY:

While the world's attention has been focused on the siege of Sarajevo, the Serb-led conquest of Muslim towns and villages and the mass deportations of Muslims and Croats have proceeded at blitzkrieg pace in northern Bosnia-Herzegovina. Newsday reporter Roy Gutman and freelance photographer Andree Kaiser visited the area last week, the first western journalists there since the war began in April. This is the first of several reports on the systematic effort by the Serbs and the Serbian army to eliminate any trace of other ethnic groups.

HEADS BOWED and hands clasped behind their backs, the Muslim prisoners lined up before their Serb captors. One by one, they sat on the metal stool and then knelt to have their heads shaved.

An order was given that could not be heard from 200 yards away, and each group of 20 then returned on the double to the sheds in which they live in near-darkness. Guards at the entry swung their rubber truncheons, as if in anticipation of beatings to come.

The scene was a harrowing, if unintended, demonstration to a visiting reporter of the indignities that the all-powerful Serbian army in Bosnia metes out daily to Muslims and Croats in the "ethnic cleansing" of all other nationalities in territories it conquers.

The army calls Manjaca a "prisonerofwar" camp. But inside the vast sheds, where this reporter was forbidden to go, beatings and torture are an integral part of the daily regime, according to just-released Muslim prisoners. At least three prisoners died in the past month, they said.

The prisoners sleep on stone floors, with only ferns as mattresses, and one blanket for four men or youths. Eight share a space equivalent to a horse stall. They have a shower every two weeks, and most are still wearing the clothes they arrived in six weeks ago.

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The occasion for the Tuesday visit to Manjaca, the first by any western reporter, was that the International Red Cross was performing its first inspection of the camp that same day.

"We are concealing nothing," Col. Milutin Vuketic, the deputy commander of the army's Krajina corps, told Newsday at his nearby headquarters as he kept the Red Cross staff waiting. But the army turned down Newsday's request for a tour, offering instead interviews with eight hand-picked prisoners and a camp doctor. Armed guards monitored each conversation, army interviewers asked most of the questions, and an army television team recorded the scene. None of the prisoners interviewed under those conditions criticized the camp regime, but former prisoners interviewed away from the camp described a regime where beatings were routine.

The eight interviewees were marched in formation into a small plaza near the camp entrance. Their heads were bowed and their hands clasped behind their backs as they entered. They had been given prison uniforms but wore the shoes they came with, mostly without laces. All looked pale, weary and under duress.

"Everything here is good, considering the conditions," said V., one of the prisoners, as guards monitored his words. "There is food and accommodation. Everything is fine."

Manjaca (pronounced MAHN-ya-tcha) is one of a string of new detention facilities, which an American embassy official in Belgrade, the Serbian capital, routinely refers to as "concentration camps." It is another example of the human-rights abuses now exploding to a dimension unseen in Europe since the Nazi Third Reich.

Witnesses in Banja Luka, Zagreb and other locations describe executions, mass deportations in closed freight cars, forced marches and a regime of starvation and abandonment to the elements.

Manjaca is operated by the army, which still maintains a certain discipline among its troops. Leaders of the principal Muslim charitable organization and political party call it a first-class camp, compared with nightmarish accounts they have heard about the camps run by local police in municipalities of northern Bosnia.

The camp is in hilly country about 15 miles south of Banja Luka, the second-largest city in the new republic and the principal stronghold of Serb militants. Just below the site is an enormous army base bristling with tanks, rockets and other military equipment. A hand-painted sign at the edge of the camp warns: "Do not enter, penalty of death."

With its multiple perimeters of barbed-wire fence, its newly dug minefields and its guardposts, the former army exercise grounds have the appearance of a Stalag 17 or the former East-West German border. There are hundreds of armed police and military guards for the estimated 3,000 prisoners, and the watchmen use German shepherd dogs as they patrol the grounds. As the Red Cross delegation arrived last week, prisoners were out on the grounds, building what appeared to be another perimeter fence.

Yet it was by no means clear that the detainees are really prisoners of war, for a good many say they did not even take up arms against the Serbs who

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attacked their towns. Two of the eight prisoners presented for interviews said they were not sure why they had been brought to the camp, and two others said they had legally registered guns, which they turned over as demanded by the Serb conquerors of their villages.

S., a Croat, said he had been captured unarmed while delivering food to the defenders of his village, Mile kod Jelice, when they came under Serb attack one month ago. V., a Muslim, said that the Muslim community in his town, Skucana Vakuf, had surrendered to the Serbs and that he was not sure why he was detained. "Even I don't know," he said. "I am wondering." Both men appeared to be in their mid-30s. The names of sources are not used in this story to protect them in the dangerous circumstances in which they are living.

According to a leader of Merhamet, a respected Muslim charitable organization in Banja Luka, "most people [at Manjaca] have no connection with the military clashes."

Former prisoners at Manjaca, released last week, also said that only a few of those at the camp ever fought the Serbs. The camp may in fact have been set up for another purpose - to collect hostages for an exchange. Banja Luka Mayor Predrag Radic said the Serbs had offered to exchange Manjaca prisoners for Serb POWs being held by Croats and Muslims.

But if these were not fighters, their arbitrary and brutal treatment during transport to the camp and imprisonment there seem almost inexplicable.

"They took us from our homes on May 27," said S., a 17-year-old Muslim from the town of Kljuc. "There was no fighting. They said we would receive a paper, but we never got anything." First taken to Sanski Most and held for 12 days, he, his father, grandfather and brother were then sent in a convoy of six covered trucks, each packed with 150 or more people, to Manjaca.

Eighteen people died on the way, he said. "I saw the pile of bodies after the trip. There was just not enough air to breathe. They died of asphyxiation."

The young man, interviewed at the mosque in Banja Luka where the army dumped 105 prisoners last week, asked not to be identified out of fear for the rest of his family, including his father, who is still at Manjaca.

K., a 17-year-old from Sanica Gornja, said he was arrested May 29, when army soldiers invaded the largely Muslim village. "No bullet was fired from the Muslim side. But the Serbs shot and killed people," he said. His uncle, who was in possession of a hunter's carbine rifle, was executed in front of his house, he said. His father was taken away and executed, K. said he learned after being released from the prison.

He and other able-bodied men from his village were taken in trucks to Kljuc. There they were interrogated and beaten with steel cables, nightsticks, gun butts and rubber truncheons. "There were 300 people at the school, and over nine days we got only two sandwiches to eat," he said.

But that was only the prelude for the greater ordeal. They were taken 20 miles by bus to the town of Sitnice and on disembarking had to run a 150-yard gantlet of guards who beat them. Yugoslav Communists used the practice at the Goli Otok concentration camp shortly after World War II, and it is nicknamed

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"hot rabbit." "It was impossible to get from one end to the other in less than five minutes," K. said. After being held at Sitnice for a week, they were forced to walk another 20 miles to Manjaca. "For two days we had nothing to eat. We were given one glass of water. Anyone who could not walk was beaten," he said.

They reached the camp, exhausted, on June 7. "You only got two deciliters [a few ounces] of water, enough to wet your lips every other day. There were some days without any bread," K. recalled.

Every second day camp guards beat him in the evening, after prisoners had gone to bed. Guards would walk past the stalls and read out about 10 names. Prisoners would follow them to a small room near the kitchen, and each would be beaten for 20 minutes to a half-hour.

"We were beaten until we fell over. It was best to stay up as long as you could. It was easier to take body blows than to be kicked," K. said. One prisoner got the nickname "Rubber Man" because he never let himself be knocked down.

Answering questions in the camp last week, the camp doctor, a Muslim and a prisoner himself, said there had been no deaths there except for one person who died of a heart attack. But K. said two men, a 30-year-old Croat and a 26-year-old Muslim, died in the past month of mistreatment.

On the afternoon that the doctor addressed visitors, Mirsad Mesenovic, a 27-year-old man from Blagoje, was buried in nearby Banja Luka.

Mesenovic had been shot in the spine and was taken to Manjaca but, according to K. and other newly released prisoners, was given only first aid. He was released from camp on July 11 and died the next day in Banja Luka.

Many prisoners had broken ribs and other injuries, but no one went to the doctor, fearing more beatings, he said.

When they were released, K. and his fellow prisoners had no papers or documents. They were taken to Banja Luka and deposited at a Muslim mosque. According to the official local newspaper, Banja Luka Glas, they may walk around the town but cannot return to their homes in northern Bosnia.

They have no personal documents, nor do they expect to see them again. In the ultimate expression of the camp leadership's contempt for its prisoners, guards dumped all the prisoners' personal papers - passports, driver's licenses, letters, prescriptions, even money - into two large cardboard boxes in the

doctor's office. There they remain.

GRAPHIC: Color Photos by Andree Kaiser- 1) The forbidden photo, taken with a long lens outside Manjaca camp's restricted area, shows a Muslim having his head shaved as others wait their turn. 2) Inmates walk to interview with reporter as ordered: with heads down. Photos by Andree Kaiser- 3) A sign reading "mines" hangs on one of several barbed-wire fences marking the Manjaca camp's perimeter. 4) Prisoner stands with head bowed. Inmates interviewed under scrutiny of guards denied being abused (P 38 C)

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July 19, 1992, Sunday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 7

Other Edition: City Pg. 39

LENGTH: 546 words

HEADLINE: 'There Is No Food, There Is No Air'

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Banja Luka, Bosnia-Herzegovina

KEYWORD: SERIES; YUGOSLAVIA; GOVERNMENT; BOSNIA-HERZEGOVINA; CIVIL WAR; SERBIA;  
CROATIA; POW; WAR; PRISONER; HUMAN RIGHTS; ABUSE; FOOD; SHORTAGE; HUNGER;  
INTERVIEW; DISEASE

## BODY:

THE CAMP IS an open pit, where only a third of the prisoners have shelter from the elements and most have to stand in mud, according to a witness. Six to 10 people die daily.

"The corpses pile up. There is no food. There is no air to breathe. No medical care. Even the grass around the pit has been completely clawed away," said an official of Merhamet, the Muslim relief agency, who received the account last week. "Our hair stood up when we heard the report."

There are mounting indications that Omarska, a town near this capital of Serb-conquered north Bosnia, houses a death camp where Serb authorities, with the backing of the army, have taken thousands of Muslims. Hepatitis is reportedly epidemic, and other diseases are spreading rapidly. The witness quoted the camp commander as warning the inmates that they will never leave it alive. The reports could not be independently confirmed.

Unlike Manjaca, a camp that has been known to international relief agencies since it was used by the Yugoslav army to house prisoners during its war against Croatia last year, almost nothing definitive is known about Omarska or a dozen other detention camps run by the local police across northern Bosnia. The International Red Cross has placed Omarska on a list of camps it intends to visit, but has not yet formally asked permission to do so.

Interviews with refugees from this area of northern Bosnia suggest that at least some detainees at Omarska took up arms and fought the army when it attacked their towns and villages. Thus, unlike Manjaca, Omarska may be a genuine prisoner-of-war camp.

"What you saw at Manjaca is a Class A camp compared with the others," said the Merhamet official, whose name is not being used for his protection. He said civil and military authorities have repeatedly rebuffed Merhamet's requests to send a delegation or food to the camp. Part of the problem is that no authority will state who actually runs the camp. "I guarantee you, you will never find out who is responsible for it," the Merhamet official said.

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An official with the Muslim political party, SDA, estimated that 30,000 Muslims and Croats are being held in camps in the region around Banja Luka. Other camps are being used for other ethnic groups. Camps also have been set up for Serbs who refuse to join the mandatory military mobilization.

Former prisoners at Manjaca speak of a second camp nearby, where young Serbs were taken from Banja Luka. "We understand there are 700 Serbs there. We could hear them, like starving wolves, at night," said K., a 17-year-old who was released from Manjaca a little over a week ago.

Military authorities and the local Red Cross acknowledged the existence of a camp at Omarska but rebuffed requests to visit it. "There are places where Muslim extremists have been gathered," said Maj. Milovan Milutinovic, the spokesman for the former Yugoslav army, which has renamed itself the Serbian Army of Bosnia. "But I think they have already been moved."

A local Red Cross official said he knew of "no civilians" in Omarska.

The SDA official said the military had rejected all requests for visits on grounds Omarska is "in a high-risk zone." He noted that a railroad runs through Omarska and that trains have operated regularly.

GRAPHIC: Newsday map by Fredrick Bush- Site of camp in Manjaca, Yugoslavia.

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July 3, 1992, Friday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 5  
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LENGTH: 921 words

HEADLINE: 'The River Took Him'

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Miratovac, Yugoslavia

KEYWORD: YUGOSLAVIA; GOVERNMENT; MUSLIM; POPULATION; DEPORTATION; SERBIA;  
BOSNIA-HERZEGOVINA; REFUGEE; MASS MURDER

## BODY:

Hasnija Pjeva witnessed the execution of her husband, Nenad, from the terrace of her house outside Visegrad.

It was 7:30 a.m., June 24, and Nenad was returning from his overnight factory shift when the armed men in Serbian paramilitary uniforms spotted him. Nenad started running to the nearby riverbank, but the irregulars shot him dead on the spot. They dragged the corpse onto the bridge, then threw it into the green water of the Drina.

"I didn't bury him," Hasnija said of her husband two days later, tears welling up in her eyes. "The river took him away."

Abdulah Osmanagulis was at his home in Visegrad, a virtual prisoner since Serb forces seized the predominantly Muslim town three months ago. They burned down the two ancient mosques and roamed the streets, firing small arms day and night. Early last week three of his neighbors were shot in their home.

"The bodies were just left lying there in the courtyard," Osmanagulis said. He knew it was time to get out of his house.

Emina Hodzic's husband was abducted one noon; her son that same evening. Mediha Tira's husband was taken away by men with blackened faces.

The killings all happened last week in the Bosnian town whose Turkish built "Bridge on the Drina" was immortalized by Yugoslavian novelist Ivo Andric. There are now two bridges, and after last week's events, both will find their place in the literature of war atrocities.

Except for an unknown but apparently small number who escaped, all the able-bodied Muslim men and youths of Visegrad who had not fled the occupiers were shot, according to a dozen survivors.

"Most of the executions were committed on the bridge. Their bodies were thrown into the river," said Osmanagulis, 73, the unofficial leader of the survivors.. It appears that dozens were executed, perhaps hundreds.No one

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knows exactly.

"If the Drina River could only speak, it could say how many dead were taken away," said Hasnija Pjeva.

Visegrad (pronounced VEE-shih-grad), with a population of about 30,000, is one of a number of towns where Serb forces carried out "ethnic cleansing" of Muslims in the past two weeks, according to the Bosnian government.

"There was chaos in Visegrad. Everything was burned, looted, and destroyed," said a Visegrad expellee, 43, who spoke of the terrible events over coffee in the Miratovac cafe but would give neither his name nor profession. He escaped only because he was an invalid with a gangrenous leg.

The survivors of the massacre are the old, the infirm, the women and the children. They are traumatized by what they witnessed, barely able to control their emotions or to speak. Two of the women had been raped, Osmanagulis said. But the heartbreak was compounded by humiliation they endured at the hands of the local Serbian Red Cross.

Against their wishes, 280 people were shipped in a convoy of five buses across Serbia, the principal state in the new Yugoslavia, to Macedonia, a breakaway state, a journey of about 275 miles. The Serbian Red Cross gave them food and clothes but insisted they sign papers saying they had been well-treated and wanted to go to Macedonia.

"We all wanted to go to Kosovo or Sandzak," two mainly Muslim areas of southern Serbia, said Osmanagulis, "but they directed us exclusively to Macedonia. There was no other choice."

He carried a paper requesting that the Macedonian border authorities provide passports and admit the entire group. But Macedonia, which has more than 30,000 Bosnian refugees but has yet to be recognized by western countries or to receive any real assistance, has stopped accepting any refugees, particularly Muslims, due to substantial problems with its own Muslim minority, according to Mira Jankovska, a government spokeswoman in Skopje.

And so the Macedonians refused to allow the survivors of the Visegrad massacre to cross the border. It was 4 a.m.

Osmanagulis conferred with the drivers, and they agreed that everyone should disembark and try to enter on foot, but the Macedonian police turned them away. "I ran back to the buses, and everyone followed, but when the drivers saw us, they turned the buses around and left," he said.

For 16 hours on June 25 the survivors found themselves stranded in a no-man's-land on an international highway without food, water, shelter or assistance, abandoned by the Red Cross, welcomed nowhere. Fifteen of them were over 80, and there were at least as many children under the age of 2. They stood and sat from 4 a.m. until 8 p.m., through the hot midday sun and a fierce summer rainstorm.

Albanian Muslims in this impoverished farm village in southern Serbia, about a 20-minute drive from the border crossing, brought bread, water and tomatoes. Then in the evening they arrived with tractors and taxis and took them to a

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small mosque. On the advice of a local doctor, who feared the spread of disease, the survivors were moved to private homes two days later.

"If the people of the village hadn't helped us, half of us would be dead of starvation or illness," said Osmanagulis. One woman, 92, died after the ordeal. She was buried Sunday.

Now the survivors of Visegrad sit in this village at the end of a potholed dirt road, sleeping on the floors and couches of its simple houses, caught between the hostility of Serbia and Macedonia, unattended by any refugee organization, unable even to contact anyone outside, for there is no telephone.

"We have a saying, said Osmanagulis, summing up their plight. "The sky is too high, and the ground is too hard."

GRAPHIC: 1) Color Photo by Dusko Zavisic- Grieving Muslim survivors of last week's massacre at Visegrad. 2) AP Photo- American Premier. Businessman Milan Panic, a U.S. citizen born in Yugoslavia, is interviewed in Washington. He is accepting an invitation to become prime minister of a truncated Yugoslavia. Panic (PAHN-ish), 62, a Serb, owns a pharmaceuticals company in Costa Mesa, Calif.

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July 3, 1992, Friday, NASSAU AND SUFFOLK EDITION

SECTION: NEWS; Pg. 5  
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LENGTH: 939 words

HEADLINE: 'Ethnic Cleansing';  
Yugoslavia try to deport 1,800 Muslims to Hungary

BYLINE: By Roy Gutman. EUROPE CORRESPONDENT

DATELINE: Palic, Yugoslavia

KEYWORD: COVER; YUGOSLAVIA; GOVERNMENT; MUSLIM; POPULATION; DEPORTATION; SERBIA;  
BOSNIA-HERZEGOVINA; REFUGEE

## BODY:

In a practice not seen in Europe since the end of World War II, the Serbian-led government of Yugoslavia chartered an 18-car train last week in an attempt to deport the entire population of a Muslim village to Hungary.

Some 1,800 passengers, including 70 mothers carrying infants, were expelled from the Bosnian village of Kozluk after two armored tanks crashed into the main square and Serb irregulars threatened to blow it up, according to the villagers.

They were ordered onto the Hungary-bound train, but only a fraction had travel documents, and Hungary refused to admit them. After four days on board, the villagers were brought to a camp for Muslims in Palic, close to the Hungarian border, filling it to three times its capacity.

The incident was the latest twist of cruelty in an already brutal war, foreign officials say, part of a policy by the Serbian-led Yugoslav government to "ethnically cleanse" historically Muslim areas of Bosnia.

Foreign monitors are convinced that Serbian strongman Slobodan Milosevic is backing the use of tanks and terror by Serb militia forces, then deploying the Serbian Red Cross to finish the job.

The local Red Cross, which international observers say is operating as an adjunct of the Serbian government, has sent or tried to send at least 7,000 Bosnians out of the country in what United Nations officials view as a violation of international law governing the treatment of refugees.

The deportation train was not an isolated instance, said Ron Redmond, a spokesman for the UN High Commissioner for Refugees in Geneva. The commission views the practice of ethnic cleansing and any action supporting it as "a travesty," he said. The UN commission is preparing a protest to the Yugoslav federation about the deportations, commission officials in Belgrade said.

The Serb-backed assault in Bosnia has created the biggest flood of refugees in Europe since World War II. The UN commission estimated this week that 1.7

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million people have lost their homes in the past year: 1.1 million from Bosnia-Herzegovina and 617,000 from Croatia. The number is growing by several thousand a day.

About 204,000 war refugees from Bosnia are in Serbia, about 40,000 of them Muslims and the rest Serbs. The Serbian Red Cross places Serb refugees in private homes or in hotels but, according to Serbian Red Cross officials, is trying wherever possible to send the Muslims out of the country.

At Bajina Basta, a refugee staging point on the Serbian side of the Drina River, the Red Cross chapter secretary defended the practice. "There are too many dead [Serb] bodies coming across the river. No one who loses a relative is very eager to accommodate those from the other side," said Nada Ivanovic. It was Ivanovic who packed off five busloads of Visegrad refugees, against their wishes, to Macedonia. "They wanted to go there," she said last week.

But Abdulahu Osmanagulis the refugees' unofficial leader, said, "We had no choice."

The Serbian Red Cross director of the Palic camp, where the Muslims on the refugee train were taken, made similar claims. The camp director, who identified herself only as "Nada," said that all the refugees "left their homes voluntarily" and signed papers turning over their property to newly installed Serb authorities in Bosnia. She said at least 5,000 people had been processed through the camp.

She insisted on monitoring interviews with ethnic Muslims, intimidating many. Conditions are primitive, and many refugees, the elderly in particular, have nowhere to sit. But they universally denied her claims.

Hadim Kavazovic-Osmanovic, 60, from Zvornik, was sitting on the ground at the camp when the deportation train pulled into the station about a mile away. Like those on the train, he had been terrorized by Serbian militia forces who forced him to flee his homeland.

"We were forced to leave. We were under threat," he said. "They were killing people during the night. Someone came from the local government and said it is better to leave."

"When we crossed the bridge into Serbia, the border officials told us we could enter but not come back," said Camila Mehmedbegovic, 59, another expellee from Zvornik. Two other women from the town said they had deeded their houses, their land and all the property to the Serbian army.

Those on the deportation train told a similar tale. Residents of Kozluk, a town of 5,000 north of Zvornik, like Visegrad, in the Drina River Valley, described a nightmare that began when Serbs seized control of the area in April. They installed new leaders, who about a month ago summarily dismissed Muslims from their jobs. Food and medicine deliveries stopped, and after Serb irregulars robbed and burned down houses and raped several women, the Muslims offered to depart. Last Thursday two tanks rolled into the village.

"They told us they could no longer assure us protection," said Mulaibisevic Mohamedalisa, 35. "They said this was part of an ethnically pure Serbian region, and it was inconvenient to have a Muslim village at a key road junction."

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The remaining residents of Kozluk were taken by bus to Sabac in northern Serbia, where the special train was waiting for them, and sent to the Hungarian border.

"The whole thing was arranged in advance," said Judith Kumin, the UN High Commission on Refugees representative in Belgrade, the Serbian capital. Kumin said there was no way the commission, with a staff of 85 for all the former Yugoslav republics and in the context of a refugee problem that is exploding "exponentially," could provide staff to protect the rights of refugees at the Palic camp.

GRAPHIC: 1) Newaday Color Photo by Roy Gutman -. Muslim inhabitants of Kozluk are crowded in an 18-car train, chartered by the Yugoslav government, bound for Hungary. 2) Photo by Dusko Zavisic- THE FACE OF WAR. This Muslim boy is one of thousands of refugees crowded into a refugee camp in Palic, Yugoslavia, near the Hungarian border (15 C). 3) Newsday cover color photo by Roy Gutman - Women about to feed their children leave the train after arrival at a refugee camp

TESTIMONY BY PROFESSOR THOMAS BUERGENTHAL'  
BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

APRIL 21, 1993

Mr. Chairman, Members of the Commission:

Thank you very much for inviting me to appear before you.

In your invitation, you make reference to the fact that I am a survivor of the Holocaust and to my service on the United Nations Truth Commission for El Salvador. Both of these experiences are not irrelevant to what is happening in the former Yugoslavia. I am outraged -- all humanity should be outraged -- by the inaction of the same governments which in the 1930's tried to appease Hitler and which for many months now have done the same with the murderers and rapists in the former Yugoslavia. Not only have they done nothing, they have repeated over and over again that they would not use force. Have we learned nothing from the Holocaust?

Mr. Chairman, I am delighted, therefore, that this Commission is at least focusing on various international instrumentalities that might be used to hold those who are committing the terrible outrages in the former Yugoslavia personally responsible for their crimes. I am very pleased that you are looking at this problem, because I have long ago come to the conclusion that unless the international community is irrevocably committed to the principle of individual criminal responsibility and establishes the necessary international institutions to enforce it, we will never be able to stop state-sponsored genocide, war crimes and other large-scale violations of human rights.

Ever since the United Nations Security Council asked the Secretary General to prepare a draft charter for a War Crimes Tribunal for the former Yugoslavia, there has been a growing debate whether the establishment of such a tribunal is wise under the circumstances and whether some other body might not be better suited to deal with the horrendous acts of violence being committed there. In the course of this debate, it has been suggested, most recently by Professor Herman Schwartz, that a better solution might be the creation of a United Nations commission, similar to the United Nations Truth Commission for El Salvador, whose function it would

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be to report in like fashion on the major acts of violence that have been committed in the former Yugoslavia.

While I will comment in a moment on the role such a commission might play and on the problems it is likely to encounter, I also support the idea of the war crimes tribunal. Permit me, therefore, to say a word about that subject and to suggest that a tribunal and a commission are not necessarily mutually exclusive.

I agree that the biggest obstacle to the tribunal's proper functioning is the great difficulty it will encounter in obtaining the attendance of those accused of crimes. Although trials in absentia with certain safeguards, including provisions for retrials on apprehension, are not unknown, this solution has few supporters in the current debate regarding the tribunal. There may be another way, however, to address the problem of the absent defendant without discarding the idea of the tribunal.

I would argue that the purpose of a UN-established war crimes tribunal for the former Yugoslavia is not only the immediate trial and punishment of those found guilty of war crimes and crimes against humanity. It also has a very important symbolic purpose. The very existence of such a tribunal would give notice to the world, to those who have committed atrocities, and to those who may be in a position to prevent them in the future, that the international community is irreversibly committed to bringing the criminals to justice whenever and wherever they are apprehended.

This is an important message, and it carries with it a very strong moral condemnation whose effect in the former Yugoslavia and in other countries should not be underestimated. In some cases it may also prevent further atrocities or, at the very least, have an impact on the decision-making processes of those responsible for ordering or permitting such acts.

Even if no trials or only a few trials were to be held in the foreseeable future -- most of the alleged intellectual authors of the crimes will probably not be apprehended right away -- this is not sufficient reason for not having the tribunal. But it is important that the tribunal be seen working. That is why I would urge that it be assigned another role which would also have great symbolic importance. Some commentators, most recently Mr. Aryeh Neier of Human Rights Watch, have pointed to the value of the presentation to the tribunal of detailed indictments. I would carry this suggestion one step further by giving the tribunal a role in signing off on the indictments. What I have in mind is not merely the type of review that obtains when an arrest warrant is issued, but a more extensive review of the evidence presented by the prosecutor to determine whether an indictment should be issued.

This is a role courts or so-called investigatory magistrates

perform in various civil law countries. It is not surprising, therefore, that the draft statute for a war crimes tribunal submitted by Italy to the UN Security Council calls for the establishment of a special chamber of the tribunal whose "function it is to determine whether the Prosecutor's request for dismissing the charges or for prosecuting are adequately motivated." (Art. 8(6) of the Italian Proposal.) This proposal could be easily elaborated to lay down various rules to be applied by the tribunal in determining whether the indictment should issue in a particular case.

I don't think that it would be a violation of due process for the tribunal to issue such an indictment in the absence of the accused, particularly if he or she is given notice of the hearing on that subject. If deemed necessary, moreover, one might envisage the establishment of a "public defender" office whose function it would be to challenge the legality of a prosecutor's request for an indictment of an absent defendant. It would be important also to provide the accused with the due process guarantee that the chamber or panel of judges that passed on the validity of the indictment be barred from trying the same defendant. The hearing on the legality or sufficiency of the indictment should be public.

This approach would preserve the value inherent in the establishment and existence of the tribunal and keep international attention focused on its activities. The fact that the indictment was issued by the tribunal would give added legitimacy to the document and probably enhance its deterrent effect on others without convicting the accused in his or her absence. It might also have an impact on how third countries deal with those under indictment, particularly the leaders, whether they allow them to enter their territory and to leave, and what their attitude might be when it comes to extradition.

To repeat, I believe it is important to establish the war crimes tribunal for the former Yugoslavia; it is also important to have the tribunal begin exercising its functions, including passing on the legality of indictments before they are issued.

Permit me now to return to the point I made earlier, namely, that the existence of the tribunal does not necessarily exclude resort also to an investigatory body such as a "Truth Commission." Even assuming that the Security Council were tomorrow to establish the tribunal, I would guess that it would take at least two years to get some trials going, and that may be too optimistic a prediction. Courts are slow and cumbersome instruments even under the best of circumstances, and the situation in the former Yugoslavia requires immediate and continuous international attention. Besides, an international court, by its very nature, is likely to deal only with a limited number of cases.

In the context of the former Yugoslavia, the more international attention is brought to bear on the atrocities being committed there the better. It would therefore make considerable sense also to establish an international commission with a broad mandate over large-scale or systematic acts of violence committed by all sides. The commission should be given a relatively short time frame within which to present its report - four to six months- and it should have broad powers similar to those that were conferred on the UN Truth Commission for El Salvador. (With your permission, Mr. Chairman, I wonder whether I could include in the record a copy of the Mandate of the Truth Commission for you information?)

It should be made clear, however, that such a commission would face very different problems from those we faced in El Salvador. The most important of these has to do with the fact that there is an ongoing armed conflict in the former Yugoslavia. This reality would affect the ability of the commission to move around freely in all the territory subject to its jurisdiction, to interview witnesses, to inspect prisons and prisoner of war camps, etc. In El Salvador it proved to be quite easy to find witnesses and to interview those who were accused of various acts of violence; that is not likely to be the case in certain parts of the former Yugoslavia. None of these problems are insurmountable obstacles to the preparation of a credible report, but they need to be kept in mind.

Moreover, the Salvadoran Truth Commission was working pursuant to powers conferred on it under the Salvadoran Peace Accords, which both sides to the conflict signed and whose compliance was supervised by the United Nations. It is unlikely that all the parties to the conflict in the former Yugoslavia would sign a similar agreement. The UN Security Council could, of course, establish the commission under the powers that Chapter 7 of the UN Charter confers on it. But the level of cooperation is not likely to be the same.

The foregoing considerations are not compelling enough, in my opinion, to justify dropping the idea of a high profile international commission to investigate and report on large-scale violations of human rights that have been and are being committed in the former Yugoslavia. The commission would no doubt encounter numerous obstacles in carrying out its investigation, but I doubt that they would prevent it from preparing a useful and credible report. In this context, comprehensiveness is less important than the truthful reporting of findings that have been verified.

The world must be told what is happening to human beings in the former Yugoslavia; it must be told the truth by a body whose credibility and legitimacy are beyond reproach. I can think of no more effective way at this time to mobilize public opinion to stop these atrocities.

It must also be kept in mind that some crimes, such as the large number of rapes, are unlikely all to be tried by the tribunal because not all victims will be willing to subject themselves to the pain of reliving their suffering in a public trial. And even if the hearings were to be closed to the public, the sheer numbers will make it impossible to bring all of the accused to trial or even to find them. Here a commission could play an important role in reporting what happened and on the magnitude of the crimes. Our experience in El Salvador indicates that the victims are often less interested in vengeance than in having the truth told about their suffering.

To summarize, I believe that the United Nations should move forward with the establishment of a war crimes tribunal - to pull back now would send the wrong message - and it should be given special powers to review the prosecutor's request for the issuance of indictments. The establishment of the tribunal at this time should not prevent the simultaneous creation of a "truth commission" for the former Yugoslavia.

**Submitted by Prof. Thomas Buergenthal for the Record**

Instruments Establishing the Truth Commission's Mandate, an excerpt from United Nations Document S/25500, 1 April 1993

## VII. INSTRUMENTS ESTABLISHING THE COMMISSION'S MANDATE

The following are the passages pertaining to the Commission on the Truth contained in the peace agreements between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN):

Mexico Agreements, 27 April 1991

[...]

## IV. COMMISSION ON THE TRUTH

Agreement has been reached to establish a Commission on the Truth, which shall be composed of three individuals appointed by the Secretary-General of the United Nations after consultation with the Parties. The Commission shall elect its Chairman. The Commission shall be entrusted with the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently requires that the public should know the truth. The Commission shall take into account:

(a) The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and

(b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

The characteristics, functions and powers of the Commission on the Truth and other related issues are set forth in the corresponding annex.

[...]

Annex to the Mexico Agreements, 27 April 1991

## COMMISSION ON THE TRUTH

The Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (hereinafter referred to as "the Parties"),

Reaffirming their intention to contribute to the reconciliation of Salvadorian society;

Recognizing the need to clear up without delay those exceptionally important acts of violence whose characteristics and impact, and the social unrest to which they gave rise, urgently require that the complete truth be made known and that the resolve and means to establish the truth be strengthened;

Considering that, although the need to put an end to impunity was raised in the discussion on the item on the armed forces of the Agenda for the negotiations adopted at Caracas on 21 May 1990, the means of investigation which

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the Parties themselves have been prepared to set up are addressing situations whose complexity warrants independent treatment;

Agreeing on the advisability of fulfilling that task through a procedure which is both reliable and expeditious and may yield results in the short term, without prejudice to the obligations incumbent on the Salvadorian courts to solve such cases and impose the appropriate penalties on the culprits;

Have arrived at the following political agreement:

1. There is hereby established a Commission on the Truth (hereinafter referred to as "the Commission"). The Commission shall be composed of three individuals appointed by the Secretary-General of the United Nations after consultation with the Parties. The Commission shall elect its Chairman.

**FUNCTIONS**

2. The Commission shall have the task of investigating serious acts of violence that have occurred since 1980 and whose impact on society urgently demands that the public should know the truth. The Commission shall take into account:

(a) The exceptional importance that may be attached to the acts to be investigated, their characteristics and impact, and the social unrest to which they gave rise; and

(b) The need to create confidence in the positive changes which the peace process is promoting and to assist the transition to national reconciliation.

3. The mandate of the Commission shall include recommending the legal, political or administrative measures which can be inferred from the results of the investigation. Such recommendations may include measures to prevent the repetition of such acts, and initiatives to promote national reconciliation.

4. The Commission shall endeavour to adopt its decisions unanimously. However, if this is not possible, a vote by the majority of its members shall suffice.

5. The Commission shall not function in the manner of a judicial body.

6. If the Commission believes that any case brought to its attention does not meet the criteria set forth in paragraph 2 of this agreement, it may refer the case to the Attorney-General of the Republic, should it deem appropriate, for handling through the judicial channel.

**POWERS**

7. The Commission shall have broad powers to organize its work and its functioning. Its activities shall be conducted on a confidential basis.

8. For the purposes of the investigation, the Commission shall have the power to:

- (a) Gather, by the means it deems appropriate, any information it considers relevant. The Commission shall be completely free to use whatever sources of information it deems useful and reliable. It shall receive such information within the period of time and in the manner which it determines.
- (b) Interview, freely and in private, any individuals, groups or members of organizations or institutions.
- (c) Visit any establishment or place freely without giving prior notice.
- (d) Carry out any other measures or inquiries which it considers useful to the performance of its mandate, including requesting reports, records or documents from the Parties or any other information from State authorities and departments.

#### UNDERTAKING BY THE PARTIES

9. The Parties undertake to extend to the Commission whatever cooperation it requests of them in order to gain access to sources of information available to them.

10. The Parties undertake to carry out the Commission's recommendations.

#### REPORT

11. The Commission shall submit a final report, with its conclusions and recommendations, within a period of six months after its establishment.

12. The Commission shall transmit its report to the Parties and to the Secretary-General of the United Nations, who shall make it public and shall take the decisions or initiatives that he deems appropriate.

13. Once the report has been handed over, the Commission's mandate shall be considered terminated and the Commission shall be dissolved.

14. The provisions of this agreement shall not prevent the normal investigation of any situation or case, whether or not the Commission has investigated it, nor the application of the relevant legal provisions to any act that is contrary to law.

[...]

#### El Salvador Peace Agreement signed at Chapultepec on 16 January 1992

[...]

3. C. The Commission on the Truth established by the Mexico Agreements of 26 April 1991 (hereinafter referred to as "the Commission on the Truth"), may appoint an observer to the ad hoc Commission.

[...]

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5. END TO IMPUNITY

The Parties recognize the need to clarify and put an end to any indication of impunity on the part of officers of the armed forces, particularly in cases where respect for human rights is jeopardized. To that end, the Parties refer this issue to the Commission on the Truth for consideration and resolution. All of this shall be without prejudice to the principle, which the Parties also recognize, that acts of this nature, regardless of the sector to which their perpetrators belong, must be the object of exemplary action by the law courts so that the punishment prescribed by law is meted out to those found responsible.

[...]

**STATEMENT OF HELSINKI COMMISSION DELEGATION  
TO MACEDONIA AND KOSOVO**

Vienna, April 18, 1993: On April 17 and 18, a delegation of the Commission on Security and Cooperation in Europe -- the Helsinki Commission -- visited the Republic of Macedonia as well as Kosovo in the new Yugoslav federation. The delegation was led by Senator Dennis DeConcini (Democrat-Arizona), the Commission's Chairman, and Representative Bill Richardson (Democrat-New Mexico), a member of the Commission. At the end of their visit, Senator DeConcini and Representative Richardson made the following statement:

"The delegation of the Helsinki Commission came to Macedonia with a threefold purpose. First, we wanted to see how the domestic situation had developed since the Commission visit in November of last year. At that time, with winter coming on, the economic crisis brought on by Macedonia's undesired isolation in the world was creating severe hardships for the people of Macedonia. The country was faced with the added burden of caring for the tens of thousands of refugees from the war in Bosnia-Herzegovina. Second, we wanted to know the extent to which the international sanctions imposed on Serbia and Montenegro were being violated by commercial traffic through Macedonia. Finally, we wanted to learn how effectively the CSCE Monitoring Mission, the UN Protection Force and the Sanction Assistance Mission were dealing with problems in the first two areas. We met with representatives of each of these international efforts in Macedonia, visited a customs checkpoint at Tabanovce, Romania, and met with the President of the Republic of Macedonia, as well as with the President of the Macedonian Assembly.

We were pleased to find that the situation in Macedonia had, in fact, improved somewhat since November. The recent admission of the former Yugoslav republic into the United Nation has opened new doors that, we hope, will lead to the quick and full integration of Macedonia in the world community. We believe this will enhance stability in the southern Balkans and we commend Greece and Macedonia for the progress they have made in finding workable compromises. We hope they will continue to build on this initial good-faith effort and pursue needed confidence-building measures.

In Skopje, we received candid and forthcoming answers to questions we raised regarding extreme Macedonian nationalism. In addition, in responding to our human rights concerns, especially regarding Macedonia's Albanian population, Macedonian officials indicated a willingness to seek the establishment of a commission, perhaps through the Assembly, with the independence and enforcement power to deal effectively with human rights complaints. In our opinion, such an approach would warrant international assistance to Macedonia in building democratic institutions and reforming its economy.

We were dismayed, however, at the lack of enforcement in Macedonia of international economic sanctions against Serbia and Montenegro. While the causes of this are complex and also suggest the need of international assistance, we encouraged Macedonia to do all that it could to prevent violations from continuing. While our Sanctions Assistance team is made up of dedicated professionals, it is obvious that Macedonian officials are not putting procedures in place to stem the flow of goods to Serbia and Montenegro by train and vehicle. We cannot stress enough the importance of both greater Macedonian cooperation and more responsive assistance from the international community.

The delegation also traveled to Kosovo, which has been undemocratically denied its autonomy as a province of Serbia. Our main interest in Kosovo was to learn the extent of the on-going repression against the Albanian population, the potential for conflict it creates, and to judge the ability of the only permanent international presence in Kosovo, the CSCE Mission of Long Duration, to encourage real action to correct this explosive situation. We consulted at length with the CSCE Mission are extremely encouraged by this innovative approach to conflict prevention. We also had informative talks with leading figures in the Albanian community. We concluded our visit by meeting with the Serbian chief of the Kosovo region, the Yugoslav Minister for Human and Minority Rights, a Serbian Deputy Prime Minister, and the Serbian Deputy Foreign Minister.

We condemned the continuing violation, on a massive scale, of human rights in Kosovo. These include instances of police brutality, the frequent searches of homes, and clear discrimination against Albanians in employment and education. We noted that the entire international community, regardless of our personal and perhaps differing views on Kosovo's eventual status, has pointed to these violations with great concern. In continuing its undemocratic and nationalist policies, Belgrade has regrettably chosen to become the pariah of Europe. We call on Serbian authorities to end these violations and to restore Kosovo's autonomy. We also call for the return of Pristina University to its normal status and the release of Dr. Statovci, who was imprisoned for urging the government to act on this. Further, Serbian authorities are flagrantly violating their CSCE obligations by denying ethnic Albanian leaders their right to peaceful assembly, including meetings of their Parliamentary group. Above all, we call on everyone to seek solutions peacefully and encourage Albanian leaders to respond to any positive moves made by Yugoslav or Serbian authorities to find practical solutions to Kosovo's many problems.

We have nothing but high praise for the international missions in Macedonia and Kosovo that we met, and appreciate the time their members took to explain the situation in their areas and to describe their work. The CSCE Monitor Mission and the United Nations Protection Force in Macedonia, as well as the CSCE Missions of Long Duration in Kosovo, Sandzak and Vojvodina all are highly useful efforts in preemptive diplomacy which can play a valuable

role in preventing Bosnia-Herzegovina's horrible war from spilling into other parts of the former Yugoslavia. Similarly, the Sanctions Assistance Missions we met in Macedonia and Romania are extremely useful in encouraging the implementation of economic sanctions and in locating shortcomings in this implementation. While nothing can replace more direct efforts to bring the Yugoslav conflict to an end, these efforts on the margins of the conflict are crucially important. They deserve not only our full support, but also the provision of personnel and resources which are urgently needed to effectively carry out their mission.

The Commission is convinced that the international community must continue to demonstrate its concern regarding this region of the world. Both the presence of CSCE missions and visits by foreign delegations are needed to reduce tensions and promote stability. We are glad that the CSCE Parliamentary Assembly will have a visiting delegation to the southern Balkans. The Commission, for its part, plans to return to Kosovo sometime in the near future.

B.C. of USA

## TO THE PRESIDENTS OF THE BISHOPS' CONFERENCES IN EUROPE, USA AND CANADA

We the undersigned Catholic Bishops of Bosnia & Herzegovina on the occasion of the interreligious prayer meeting for peace in Europe, especially in the Balkans, and our *ad limina* visit, send the following information and petitions to our brothers in the Episcopate in Europe, USA and Canada.

Catholics in Bosnia & Herzegovina number about 830,000. The great majority are Croatian and there exist other nationalities as well. They now find themselves in a historical turning-point with regards to their existence and their material goods. Speaking more concretely:

1) The Archdiocese of SARAJEVO has about 500,000 Catholics of which 50% have been expelled or forced to flee. Of the 144 parishes in the Archdiocese about 50% have been destroyed and the parish priests have been forced out or fled. In all the occupied areas, the churches, church buildings and religious houses have been destroyed or heavily damaged. In Sarajevo, the Diocesan seminary is damaged and the seminarians have escaped, while the Franciscan seminary is now occupied and the seminarians have fled. One priest has been killed, another is still in a concentration camp and a sister has been wounded.

2) The Diocese of BANJA LUKA has about 120,000 Catholics, of which 50% have been exiled. The entire Diocese finds itself in a very particular situation. Though there are no war activities going on, Catholics are being forced to leave. 50% of the church buildings have been destroyed or burned while 45% are damaged to a greater or minor degree. Two priests have been killed. Many priests have passed through the concentration camps. The majority of priests, religious and sisters are exposed to direct threats to their lives. Hence, this Diocese is in real danger of being violently extinguished.

3) In the Dioceses of MOSTAR-DUVNO & TREBINJE-MRKAN there are about 210,000 Catholics of which 20% have been exiled or forced to flee. Of the 78 parishes, 16 are now occupied or under direct danger of war. About 40 churches and church buildings have been destroyed or damaged along with the burned down Bishop's residence and the destroyed Cathedral.

We therefore ask of our brothers in the Episcopate that they inform those responsible in government in their own countries, their people and especially those in the mass-media of the dramatic truth here presented:

a) so that fundamental human and religious rights of our Catholics (the right to life, work, home etc.) may be restored and respected;

b) so that our people may receive concrete material aid, especially in food, in order to survive. This through the Diocesan Caritas organizations: for Sarajevo, Nadbiskupski Vikarijat, Zagreb, Croatia, fax: 0038 41 275 695; for Banja Luka, through the Croatian Caritas, Zagreb, Croatia, the same fax: 0038 41 275 695; and for Mostar-Duvno, Biskupijska Caritas Mostar, fax: 0038 58 510 429.

c) if a just and peaceful political solution is achieved in the near future, we will be in great need of restoring all that has been destroyed or burned, that is, all the homes of our faithful, the churches and church buildings.

Setting aside the possible political solutions for Bosnia & Herzegovina, we Bishops maintain that the Catholic Church must have her rightful place in the Republic of Bosnia & Herzegovina, in this territory where it has been present and active for many centuries.

With particular devotion,

Rome, January 11, 1993

Msr. Vinko Puljić, Archbishop-Metropolitan of Sarajevo:

Msr. Pavao Žanić, Bishop of Mostar-Duvno & Trebinje-Mrkan:

Msr. Franjo Komarica, Bishop of Banja Luka:

Msr. Ratko Perić, Bishop Coadjutor of Mostar:

*+ Vinko Puljić*  
*+ Pavao Žanić*  
*+ Franjo Komarica*  
*+ Ratko Perić*



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